U. S. Works projects administration. Iowa.

THE LEGAL STATUS

OF WOMEN

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VOLUME II

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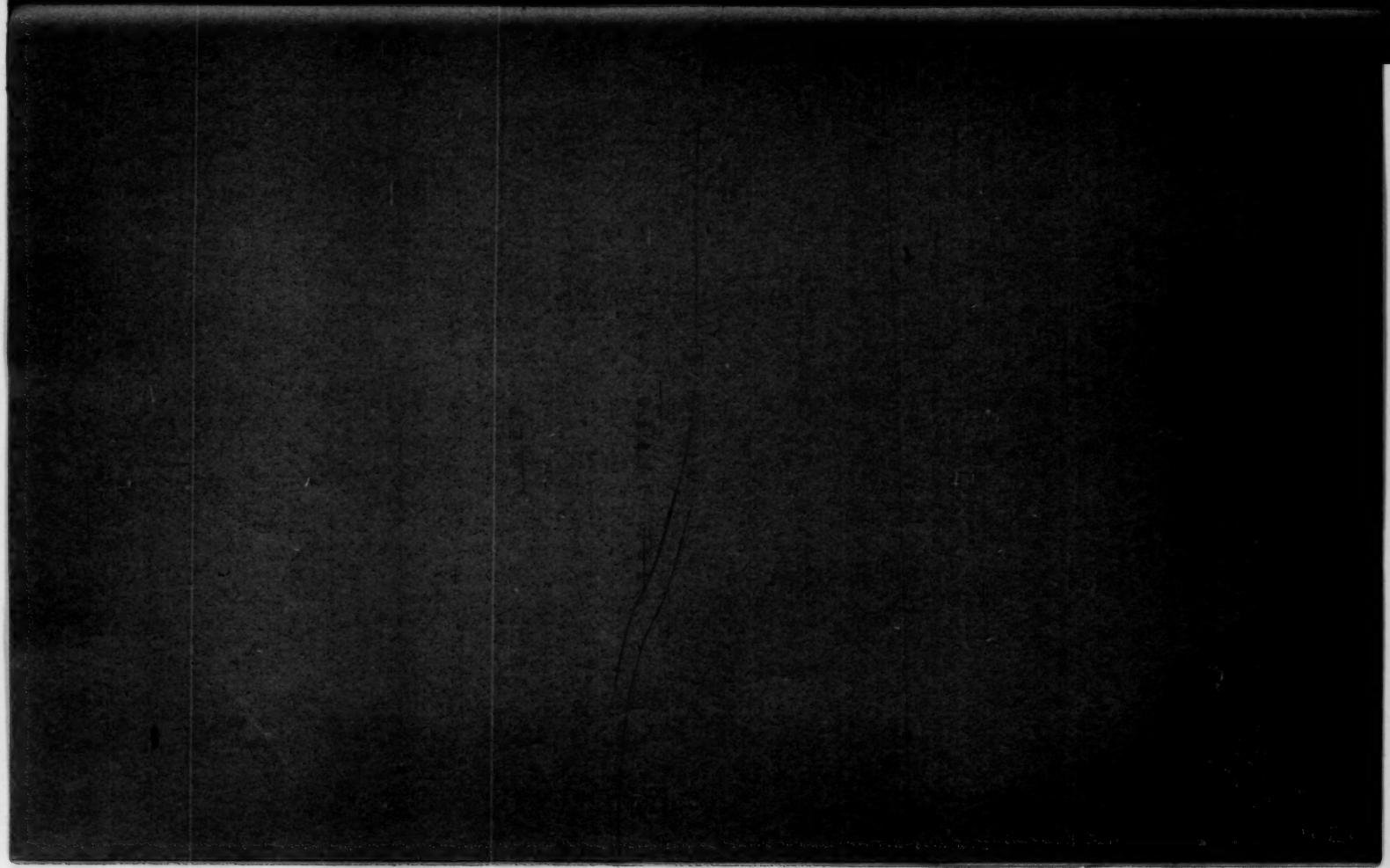
PART VIII.

MODERN

THE

SWISS CIVIL CODE



THE SWISS CIVIL CODE.

INTRODUCTION.

1.

"The Code applies to all legal questions for which it contains a provision in its terms or its exposition. If no command can be taken from the statute, then the judge shall pronounce in accordance with the customary law, and failing that, according to the rule which he as a legislator would adopt. He should be guided therein by approved precept and tradition."

2.

"Everyone must, in the exercise of his rights and in the performance of his duties, act with truth and faith.

The open misuse of a right finds no protection in the law."

3.

"Its existence is to be presumed wherever the statute attaches a legal consequence to the good faith of a person. Whoever cannot be faithful to the care demanded of him by the circumstances is not justified in invoking good faith."

FIRST PART.

THE LAW OF PERSONS.

FIRST TITLE--NATURAL PERSONS.

FIRST SECTION--THE LAW OF PERSONALITY.

14.

"He is of age who has completed his twentieth year. Marriage makes him of age."

15.

"He who has completed his eighteenth year can, with his consent and the approval of the parents, be declared of age by the Guardians' Court. His Guardian, if he has one, shall be heard upon the petition."

25.

"The residence of the husband is the residence of the wife; the residence of the father and mother that of the children under their power; the seat of the Guardians' Court that of the wards. If the husband's residence is not known, or the wife legally separated, then she can have an independent residence."

30.

"Change of name is allowed any person by the government of his domiciliary canton whenever sufficient reasons exist therefor. A change of name is to be registered in the Civil Status Record and advertised, but causes no change of the personal status. Whoever is injured by the change of a name can judicially contest it within the term of one year after he has received knowledge of it."

SECOND SECTION--THE AUTHENTICATION OF CIVIL STATUS.

46.

"Every birth and every miscarriage after the sixth month of pregnancy shall be reported to the civil status officials within three days after its occurrence."

"He who finds a child of unknown parentage shall announce this to the competent authority, who shall then make report of it to the civil status official."

47.

"If change in the rights of status occurs, as in consequence of the recognition and determination of illegitimate paternity, of declaration of legitimacy, of adoption of child, or the determination of the parentage of a foundling, this is to be entered as a marginal note either by official report thereof or upon request of those concerned."

SECOND PART.

FAMILY LAW.

FIRST DIVISION--THE LAW OF MARRIAGE.

THIRD TITLE--THE CONTRACT OF MARRIAGE.

FIRST SECTION--THE ENGAGEMENT.

90.

"Engagements are founded upon promise of marriage. Minors or incapacitated persons cannot be bound in such engagement except with the consent of their legal representatives."

91.

"The engagement does not give the right to claim judicially the consummation of the marriage. A contractual penalty provided for the breach of the engagement cannot be sued for."

92.

"If an engaged person breaks his engagement without sufficient reasons, or if it is revoked for a reason for which he is himself responsible, he shall make proper amends to the other party and to the parents, or third persons who stand in the place of parents, for the preparations made in good faith in prospect of the marriage ceremony."

93.

"If an engaged person suffer, by breach of the engagement, a severe loss in his personal condition, the judge can decree to him a sum of money as compensation, the fault being found to be in the other betrothed alone.

94.

"Return of presents made to one another can be demanded on the revocation of the engagement. If the presents are no more at hand, then the settlement of the claim shall be made in accordance with the provisions as to unjustified benefits.

SECOND SECTION—THE AUTHENTICATION OF CIVIL ACTS.

"Every birth and every marriage after the ninth month of pregnancy shall be reported to the vital status officials within three days after its occurrence."

"No vital first a child of unknown parentage shall exercise this to the competent authority, who shall then take report of it to the vital status official."

"If change in the status of status occurs, as in consequence of the recognition and determination of illegitimate paternity, of declaration of legitimacy, of adoption of child, or the determination of the paternity of a foundling, this is to be reported a special note either by official legal counsel or by those concerned."

THIRD TITLE.

FAMILY LAW.

THIRD TITLE—THE CONTRACT OF MARRIAGE.

FIRST SECTION—THE BETROTHAL.

"Engagements are formed into treaties of marriage. Minors or incapacitated persons cannot be bound in such engagement except with the consent of their legal representatives."

"The engagement does not give the right to claim judicially the consummation of the marriage. A contracted penalty promise for the breach of the engagement cannot relate to."

"If an engaged person, sends his engagement without sufficient reason, or if it is invoked for a reason for which he is himself responsible, he shall owe party assent to the other party and to the parents, or third persons who stand in the place of parents, for the preparations made in good faith in prospect of the marriage ceremony."

"If an engaged person suffers, by breach of the engagement, a severe loss in his personal condition, the judge can decree to him a sum of money as compensation, the fault being found to be in the other betrothed alone."

"Matters of relations must be one another can be demanded on the performance of the engagement. If the promisor so dies at law, then the decedent of the claim shall be made in accordance with the provisions as to unjustified benefits."

If the engagement is dissolved by death (of one party), then the claim for return of gifts is barred."

SECOND SECTION--MARITAL CAPACITY AND IMPEDIMENTS.

96.

"To enter upon marriage the groom must have passed his twentieth year and the bride her eighteenth year.

The government of the residential canton can (with consent of the parents or guardian), nevertheless, in extraordinary cases, if weighty consideration justify it, declare of marital age a bride who has passed her seventeenth year, and a groom his eighteenth year."

97.

"To enter upon marriage the engaged ones must be capable of judgment. Mentally deranged persons are in no case capable of marriage."

98.

"Minors can enter into a marriage only with the consent of their father and mother or guardian. If at the time of the publication only one of the parents has the parental power, the consent of that one suffices."

99.

"Incapacitated persons can enter into a marriage only with the consent of the guardian. When the guardian is opposed, the incapacitated person may bring the matter for decision before the Guardians' Court.

The appeal to the Federal Court remains reserved."

100.

"Marriage is forbidden: (1) between blood relatives in the direct line, between brothers and sisters of the full or half blood and between uncle and niece, nephew and aunt, whether related to one another legitimately or illegitimately; (2) between relations by affinity in direct line (marriage) even if the marriage which fixed the relationship has been declared invalid, or been dissolved by death or divorce; (3) between an adopted child and the adopter, or between one of these and the spouse of the other."

101.

"Whoever desires to enter upon a new marriage must prove that his former marriage has been declared invalid or is dissolved by death or divorce."

102.

"If a spouse has been (judicially) declared vanished the survivor may only remarry when the former marriage has been judicially dissolved.

He can demand the dissolution thereof at the time the absence is decreed, or in a special proceeding.

For this proceeding the same provisions obtain as in the case of a divorce."

103.

"Widows or women whose marriages have been dissolved or declared invalid may not enter upon a new marriage before the lapse of three hundred days after the dissolution or declaring invalid

of the previous marriage. If a birth intervenes, the time of waiting ends. Also the time may be shortened by judicial order, if pregnancy of the woman by the former marriage is disproved, as well as when divorced persons remarry."

104.

"A divorced spouse may not enter upon a new marriage during the time of waiting prescribed for him.

The time may be shortened by judicial order as to divorced persons who intend to remarry."

FOURTH SECTION--INVALIDITY OF THE MARRIAGE.

120.

"A marriage is void: (1) when at the time of contracting the marriage, one of the parties thereto is already married; (2) when at the time of contracting the marriage one of the parties thereto is mentally infirm, or not capable of judgment for some continuing reason; (3) when the contracting of the marriage is forbidden on account of relationship by blood or affinity between the parties thereto."

122.

"After a dissolution of the marriage, its nullity can no longer officially be questioned; but anyone having an interest therein may bring suit to nullify the same.

If the incapacity of judgment or mental infirmity of one of the couple has passed its annulment may be demanded only by one of the couple.

If, in case of the marriage of a person already married, the other party thereto has acted in good faith, and the former marriage has since been sundered, its annulment is barred."

123.

"A spouse can impeach the marriage when he at the betrothal was not capable of judgment by reason of some transitory cause."

124.

"A spouse can contest the marriage: (1) when he by mistake has allowed himself to be betrothed whether because he did not desire the performance of the betrothal itself or because he did not wish the betrothal with the betrothed person; (2) when he was led into the marriage by mistake as to the characteristics of the other party to the marriage, which are of such significance that without their existence the marital relation could not be imputed to him."

125.

"A spouse can contest the marriage: (1) when he has been craftily deceived as to the respectability of the other party to the marriage, either by that party or by a third person with that person's previous knowledge, and thereby been led into the marriage; (2) disease of the other spouse which may greatly endanger the health of the complainant or of the offspring of the marriage."

126.

"A spouse can contest the marriage when he has consented to the marriage under duress of a near and appreciable danger to the life, the health, or the honor of the complainant himself or a person closely bound unto him."

of the previous marriage. If a birth intervene, the time of waiting may run. Also the time may be shortened by judicial order, if frequently of the woman by the former marriage is destroyed, as well as when divorced persons remarry."

126.

"A divorced person may not enter into a new marriage during the time of waiting prescribed for him.

The time may be shortened by judicial order as to divorced persons who intend to remarry."

FOURTH SECTION—INVALIDITY OF THE MARRIAGE

130.

"A marriage is void: (1) when at the time of contracting the marriage, one of the parties thereto is already married; (2) when at the time of contracting the marriage one of the parties thereto is mentally infirm, or not capable of judgment for such particular reason; (3) when the contracting of the marriage is forbidden on account of relationship by blood or affinity between the parties thereto."

131.

"After a dissolution of the marriage, its nullity can no longer officially be questioned but anyone having an interest therein may bring suit to nullify the same.

If the incapacity of judgment or mental infirmity of one of the couple has ceased its annulment may be demanded only by the other of the couple.

If, in case of the marriage of a person already married, the other party thereto has acted in good faith, and the former marriage has since been annulled, the marriage is valid."

132.

"A spouse can impeach the marriage when he or the territorial was not capable of judgment by reason of some transitory cause."

133.

"A spouse can contest the marriage: (1) when he by violence has allowed himself to be betrothed whether because he did not dispose the sufficiences of the betrothal itself or because he did not make the betrothal with the betrothed himself; (2) when he was led into the marriage by mistake as to the characteristic of the other party to the marriage, which are of such significance that without these existence the marital relation could not be expected in law."

134.

"A spouse can contest the marriage: (1) when he has been unduly deceived as to the responsibility of the other party to the same crime, either by that party or by a third person with that person's previous knowledge, and thereby does lay into the marriage; (2) when the other spouse may properly demand the health of the complainant or of the offspring of the marriage."

135.

"A spouse can contest the marriage when he has contracted to marriage under duress of a near and attainable danger to the life, the health, or the honor of the complainant himself or a person closely related unto him."

127.

"The right of impeachment lapses with the running of six months after the ground for impeachment has been discovered by the complainant, or the influence of the duress has ceased, and in every case with the running of five years after the celebration of the marriage."

128.

"If a person not capable of marriage, or under age, or incapacitated, has been betrothed without the consent of parents or guardians, then the marriage can be contested by father or mother or guardian.

A declaration of invalidity may not, however, be entered if in the meanwhile the incapable spouse has become capable of marriage, or of age, or if the wife has become pregnant."

129.

"If a marriage has been contracted by persons between whom the entry upon marriage is forbidden with regard to the relation of adoption, it cannot be declared invalid for this reason.

Adoption is annulled by marriage (Trauung)."

130.

"If a marriage is entered into before the lapse of the legal or judicially imposed time of waiting it cannot for this reason be declared invalid."

131.

"Marriage celebrated before the civil status official cannot be declared invalid because of a breach of the formal regulations."

132.

"Invalid marriage becomes absolutely so upon final decree entering judgment thereon.

Until such decree the marriage, even if voidable, has the effect of a valid marriage."

133.

"If a marriage is decreed invalid, the children remain legitimate without regard to the good or bad faith of the parents.

The relation between the children and parents shall be regulated by the same provisions as in the case of divorce."

134.

"Upon a marriage being declared invalid, the wife, if she has acted in good faith therein, preserves the personal status acquired by the marriage, but reassumes the name which she before bore.

With regard to the settlement of the rights of property, as well as the claims of the parties to indemnification, maintenance, or compensation, the same regulations obtain as in divorce."

FOURTH TITLE--DIVORCE.

137.

"If a married person has committed adultery the other spouse may sue for a divorce.

The right of complaint is barred by the lapse of six months from the time when the injured spouse has received knowledge of the cause for divorce, and in every case by the lapse of five years after the adultery.

The right to complain is barred by the consent or forgiveness of the injured spouse."

138.

"If a married person has plotted against the life of the spouse, or greatly abused him, (or her) or offered him (or her) gross insult, the injured spouse may sue for divorce. The right of complaint is barred by the lapse of six months from the time when the injured spouse has received knowledge of the cause for divorce, and in every case by the lapse of six months.

Condonation by the injured spouse bars the right of complaint."

139.

"If a married person has committed some dishonorable crime, or if he lives a life so dishonorable that the marriage relation cannot fairly be expected to continue, the innocent spouse may sue for divorce."

140.

"If a married person has maliciously deserted the spouse, or, without sufficient reason, has not returned to the marital residence, when this absence has lasted for at least two years, the injured spouse may sue for a divorce, the condition continuing.

The judge upon petition of the complainant, shall call upon the absent spouse in case of necessity by publication, to return within six months.

The suit for divorce may be commenced after the lapse of this further time."

141.

"If a married person has fallen into such a condition of mental infirmity that the marriage relation cannot fairly be expected to continue, and the infirmity after the lapse of three years is pronounced incurable by experts, the other spouse may at any time sue for a divorce."

142.

"If so deep a destruction of the marital relationship has occurred that continuance thereof cannot fairly be expected from the spouses, either spouse may sue for a divorce.

"If the deep destruction can overwhelmingly be ascribed to one, the other only of the couple can sue for divorce."

143.

"The suit lies either for a divorce or a judicial separation."

144.

"The judge of the residence of the complainant has jurisdiction."

145.

"When the suit is brought the judge shall make the precautionary orders necessary during the pendency of the suit as, for instance, in reference to the home and maintenance of the wife, the marital rights of property, and provision for the children of the marriage."

146.

"When lawful ground for a divorce has been shown, the judge shall decree a divorce or separation.

If separation is prayed for, divorce cannot be decreed.

If divorce is sued for, then a separation can be decreed only when there is a prospect of the parties reuniting."

147.

"Separation is decreed, either for from one to three years, or for an indefinite time.

After the lapse of the decreed time the separation ends, and either party can, if they have not reunited, demand a divorce.

If the separation decreed for an indefinite period has lasted for three years, either party, if they have not reunited, may demand a divorce or a revocation of the separation."

148.

"If, after the lapse of the decreed time of separation, or, when separation has been decreed for an indefinite time, after the lapse of three years, a divorce is demanded by one of the parties, it must be decreed, unless the facts on which the claim is based show that the claimant is solely the guilty party. The divorce is nevertheless to be decreed in such case when the innocent party refuses to be reunited.

These provisions excepted, the decree is based on the facts shown in the former proceeding and those developed since."

149.

"Upon dissolution of the marriage the wife preserves her personal status, but resumes the name which she bore before the celebration of the marriage.

If she was a widow before the marriage, it may be granted her by the decree to resume her maiden name."

150.

"Upon the dissolution of the marriage the decree shall forbid the guilty party from remarriage within one to two years, and in case of divorce for adultery, within one to three years.

The duration of a former judicial separation will be taken into account."

151.

"If property rights or expectancies of the innocent party are impaired by the divorce, the guilty party shall furnish proper indemnification.

If the innocent party is severly injured in his or her personal condition by the circumstances leading to the divorce, the judge may decree him or her a sum of money as compensation."

152.

"If the innocent party falls into great want by reason of the divorce, the other party may be bound, even if he is not responsible for the divorce, to pay a sum for maintenance according to his means."

153.

"If a yearly sum is fixed by decree or agreement, as indemnification, compensation or contribution towards maintenance, the obligation to pay the same ceases when the obligee marries again.

Obligation to pay a yearly sum decreed by reason of poverty will be cancelled or reduced on petition of the obligor, when the want no longer exists, or has been substantially relieved, as well as when the property conditions of the obligor become disproportional to the obligation."

154.

"Upon divorce the marital property reverts independently of the property status of the marriage, to the exclusive ownership of each party.

A profit will be apportioned to the couple according to their property status, a loss the husband has to bear, in so far as he does not prove that the wife caused it.

Separated couples have no right of inheritance from one another and can make no claims because of the marriage contract or testamentary dispositions, which they may have made before the separation."

155.

"Upon a separation the judge decides as to revoking or continuing the existing property status with regard to the duration of the separation and the relation of the parties.

If either party demands a separation of the property, it shall be granted."

156.

"The judge shall hold the necessary hearings of parents; or the Guardians' Court, in divorce or separation proceedings, to determine the rights and the personal relations of parents. The party from whom his children are taken shall be bound to pay a sum corresponding to his circumstances toward their maintenance and education.

The consort from whom the children are taken, is obligated to the payment of a sum, corresponding to his circumstances, toward their maintenance and education.

He has the right of reasonable personal intercourse with the children."

157.

"If conditions change in consequence of marriage, removal, death of one of the parents or other grounds, the judge shall make the necessary orders upon petition of the Guardians' Court, or father or mother."

158.

"Divorce procedure is governed by the cantonal law of process, with the exception of the following provisions: (1) The judge can assume as proven, facts which serve to found the complaint for divorce or separation only when he is convinced of their existence. (2) The oath or affirmation may neither be exacted nor imposed upon the parties, as means of proof for the establishment of such facts. (3) Declarations of the parties of whatever kind are not binding upon the judge. (4) The judge shall have a free hand to weigh the proof. (5) Agreements as to the consequences of divorce or separation require for their validity the allowance of the judge."

FIFTH TITLE--THE CONSEQUENCES OF MARRIAGE IN GENERAL.

159.

"By the marriage both parties are bound in marital community (Eheliche Lebensgemeinschaft).

They bind themselves, on either side, to preserve the weal of the common relationship, in harmonious working together, and to care for their children in common. They owe to each other fidelity and assistance."

160.

"The husband is the head of the conjugal union. He determines the marital residence and shall provide the support of wife and child in proper manner."

161.

"The wife receives the family name and citizenship of her husband. She shall stand by his side with counsel and action, and support him with all her strength in his care for the union.

She shall conduct the household."

163.

"The wife has the representation of the union in the care for the current needs of the household along with her husband. Her acts bind the husband, in so far as they do not exceed this care in a way evident to third parties."

164.

"If the wife misuses the right of representation as to the household allowed her by law, or if she shows herself incapable of exercising it, her husband may deprive her thereof in whole or in part.

This deprivation is, however, effective as to third parties acting in good faith only when it has been published by the proper authority."

165.

"The deprivation, or limitation thereof, shall be judicially revoked upon petition of the wife as soon as it is shown that it is unjustified. The revocation shall be published if the deprivation was."

166.

"The wife has a wider right of representation only so far as it is expressly or tacitly granted to her by her husband."

167.

"With the express or tacit consent of the husband, the wife is entitled, in whatever status of marital property, to pursue a profession or occupation.

If the husband refuses his consent, the wife may be so authorized by the judge, provided she shows that this is offered in the interest of the marital union or the family.

The refusal of the husband is effective as to third parties acting in good faith only when it has been made public by the proper authority."

168.

"The wife is, in whatever status of property, capable of suing and of being sued. In litigation with third parties as to contributed property the husband shall, nevertheless, represent the wife."

169.

"If a married person neglects his marital duty, or by his conduct brings the spouse into danger, reproach or disgrace, the injured spouse may petition the judge for relief.

The judge shall warn the unfaithful spouse of his duty, and after fruitless warning shall order the requisite legal measures for the protection of the union."

170.

"If the health, good name, or economical subsistence of one of the spouses is seriously endangered by the living together, he is justified, so long as this danger exists, to sunder the common household.

After bringing suit for divorce or separation, each spouse is entitled to discontinue life in common during the litigation.

The judge shall, upon petition of a spouse, when reasons for sundering the common household exist, determine the payment of one spouse toward the support of the other."

171.

"If the husband neglects the care of the wife or child, the judge may direct the husband's debtors without consideration of the property status to make their payments to the wife in whole or in part."

172.

"Judicial orders, so soon as the cause therefor ends, shall be rescinded upon petition of a married person."

173.

"During marriage execution upon the respective demands between the spouses is allowable only in the cases provided by law. Privation of civic rights by reason of a seizure without results or a bankruptcy, is not incurred as a consequence of loss suffered by one consort through act of the other."

174.

"If an execution has been levied upon a married person by a third party, then the other spouse is entitled to avail himself or herself of the attachment, or to share in the bankruptcy proceeding."

175.

"If the creditors of one spouse suffer a loss in the prosecution of an attachment, their claims then become good as against the other spouse, and can be attached for. If bankruptcy proceedings be begun against a spouse, the claims of such spouse against the other party to the marriage are to be included therein."

176.

"For the accomplishment of the legal or judicially ordered separation of property, the compulsory performance thereof is permissible without any limitation.

The same obtains as to contributions which are judicially imposed upon one spouse in favor of the other."

177.

"Married persons shall have power to enter into juridical acts with each other.

Juridical acts between married persons concerning the contributed property by the wife, or the common property of the union, require for their validity the consent of the Courts of Guardianship.

The same consent is requisite for the obligations entered into by the wife in favor of the husband, so far as they concern third persons."

SIXTH TITLE--MATRIMONIAL REGIME.

FIRST SECTION--GENERAL PROVISIONS.

179.

"A marriage contract can be entered into before, as well as after, the celebration of the marriage.

The couple shall adopt, as their contract, one of the stati hereby provided.

A marriage contract effected after the celebration of the marriage shall not impair any existing liability of the property as to third persons."

180.

"For entering into, amending or rescinding a marriage contract, the contracting parties must have capacity of judgment.

If they are under age or legally incapacitated, the consent of their legal representative is requisite."

181.

"The entering into, amending or rescinding of the marriage contract require for their validity the public record thereof, as well as the signatures of the contracting parties or their legal representatives.

Marriage contracts made during marriage require, in addition, the consent of the Court of Guardianship.

The marriage contract becomes legally effective as to third persons upon compliance with the provisions as to the registry of property rights."

182.

"If the creditors in bankruptcy of a married person suffer a loss, separation of property (as to the spouse of the bankrupt) takes place by virtue of the statute.

If creditors exist at the time of the marriage, who have certificates of loss, either party can found a separation of property by entering that property status in the register of property rights, before the marriage."

183.

"The judge, upon petition of the wife, shall order a separation of property (Gutertrennung): (1) when the husband does not provide properly for the support of wife and child; (2) when he does not enter lawful security for the wife's property contributed; (3) when the husband or the common property is overburdened with debt."

184.

"The judge shall, upon petition of the husband, order a separation of property: (1) when the wife is overburdened with debt; (2) when the wife unjustifiably refuses the consent required by statute or the property status, to the arrangements of the husband as to the marital property; (3) when the wife has demanded the securing of the property contributed by her."

185.

"The judge shall order separation of property upon petition of a creditor who has suffered loss in the prosecution of an attachment against either spouse."

188.

"Property cannot be withdrawn by partition of marital property, or by a change of the property status, from the liability theretofore existing in favor of creditors of one of the married couple or of the community.

If such property be transferred to a married person, he shall pay the debts (charged thereon), but he can discharge himself from this liability so far as he can prove that the value of the property is less than the amount thereof. Whatever the wife receives back upon bankruptcy of her husband, or in an attachment proceeding, remains withdrawn from the creditors of the husband, unless they are also creditors of the wife."

189.

"Upon separation of property arising during the marriage, the marital property reverts to the particular property of the husband and of the wife, subject to the rights of creditors. A profit is divided between the parties according to their former property status: diminution of the marital property shall be borne by the husband, so far as he does not prove that it was caused by the wife. If, in the separation, the husband receives property of the wife, with power to dispose of the same, he shall furnish security, therefor upon demand of the wife."

190.

"Separate property becomes such by marriage contract, by settlement of third persons, and by (force of) statute.

Whatever a consort receives from relatives as part of his compulsory share (legitim) cannot be allowed him as separate property."

191.

"By force of statute the following are separate properties: (1) objects which serve one of the spouses for personal use exclusively: (2) property belonging to the wife with which the wife pursues an occupation or profession: (3) the wife's earnings from her independent labor."

192.

"Separate property stands in general, and particularly with respect to the duty of the wife to contribute to the expenses of the marriage, under the rules of separation of property.

The wife shall apply her separate earnings, so far as necessary, to the necessities of the household."

193.

"If a married person claims property to be his, separately, the burden of proof is on such claimant."

SECOND SECTION--UNION OF PROPERTY.

194.

"The union of property unites all property belonging to the spouses at the time of their marriage, or coming to them during the marriage, into marital property.

The separate property of the wife is excepted therefrom."

195.

"Whatever of the marital property at the time of the marriage belongs to the wife, or which comes to her gratuitously during marriage, by way of inheritance or otherwise, in her contributed property (dowry, eingebrachte Gut) and remains her own.

The husband has the property in all that he contributes and in all the marital property that is not the wife's.

The wife's income and the natural fruits of her property become the property of the husband at the time of their incidence, or separation, with the exception of the regulations as to separate property."

196.

"If a married person claims that property belongs to the wife, the burden of proof is on such claimant.

If, during the marriage, provisions are made by way of compensation for property of the wife, it will be presumed that they are part of the wife's property."

197.

"Either husband or wife can at any time demand that an inventory be made of the property contributed to the marriage with public record thereof. If such inventory is made within six months after the contribution of the items thereof, it is presumed to be correct."

198.

"If an appraisement is attached to the inventory, and this is fixed by public record thereof, it determines the measure of compensation in accordance with such appraisement as between the spouses for marital property lost.

If objects are sold in good faith during the marriage for less than the appraised value, the proceeds of sale take the place of such appraised values."

199.

"Within six months after the contribution, and with proper observance of the provisions of the marriage contract, the stipulation can be added to the appraisement that the wife's property shall pass into the ownership of the husband at the appraised value and the wife's claim for her property shall remain unchanged."

200.

"The husband shall manage the marital property. He shall bear the expenses of its management.

The wife shares in its control insofar as she has a legal right to represent the union."

201.

"The husband has the use of the property contributed by the wife, and is responsible therefor as one who enjoys such use.

This responsibility is not increased by the appraisement of the wife's property in the inventory. Ready money, other representative things and title deeds, which are determined only by their species, pass into the property of the husband, and the wife receives a claim for compensation for the value thereof."

202.

"The husband requires, for the administration of the wife's marriage portion, the consent of the wife, as soon as it is a question of more than the usual control.

Third persons may, nevertheless, assume such consent insofar as they do not, or should know that it is lacking, or so far as the property is not distinctly recognizable as belonging to the wife."

203.

"So far as the representation of the marital union justifies it, the wife has control over the marital property."

204.

"The wife requires the consent of the husband for the refusal of an inheritance. If consent is refused the wife can invoke the decision of the Court of Guardians."

205.

"The husband must, upon demand at any time, furnish the wife information as to the status of the wife's marriage portion.

The wife can at any time demand security therefor.

The right of contest under the laws of attachment and bankruptcy is reserved."

206.

"The husband is liable: (1) for his antemuptial debts; (2) for debts which he incurred during the marriage; (3) for debts which arise out of the representation of the marital union by the wife."

207.

"The wife is liable with all her property, without regard to the rights appertaining to the husband from the status of the properties: (1) for her antenuptial debts; (2) for debts contracted by her with consent of her husband, or in undertakings to his advantage, with consent of the Court of Guardians; (3) for the debts which arise out of the regular pursuit of her profession or occupation; (4) for debts of inheritance which pass to her; (5) for debts arising from unpermitted acts.

For debts incurred by her or her husband for the common household she is liable insofar as the husband is unable to pay."

208.

"The wife is liable during and after the marriage out of her separate property only: (1) for debts which she has incurred on account of her separate property; (2) for debts incurred by her without consent of her husband; (3) for debts incurred by her, in overstepping of her right (ultra vires) of representing the marital union.

Claims on the ground of unjustified benefit are excepted."

209.

"If debts for which the wife's contribution to the marital property is liable are collected out of the husband's property, or debts of the husband out of the wife's contribution of property, a claim for compensation arises which, nevertheless, under the reservation of the legal exceptions, is not demandable until the time when the union of the property is dissolved.

If separate property debts of the wife are collected out of the marital property, or debts for which the marital property is liable, out of the separate property, the balancing thereof may be demanded during the marriage."

210.

"In bankruptcy, or in attachment of property of the husband, the wife can make her claim for compensation for her contribution of property now no longer at hand. Counterclaims of the husband can be set off. The property still at hand the wife can take to herself as owner thereof."

211.

"If the wife is not protected by the return of her property and the security therefor to the extent of half of her contribution of property, then her claim for compensation for the rest of this half is a preference over (an) attachment or bankruptcy.

The renunciation of the preference, as well as the waiver thereof in favor of single creditors, are invalid."

212.

"If the wife dies then the wife's property contribution, saving the claims of inheritance of the husband, passes to the heirs of the wife.

The husband must make compensation for any loss so far as he is responsible, and with regard to what he has to claim from his wife."

213.

"If the husband dies then the wife takes back the remaining property contributed by her, and can make claim upon the heirs for compensation for any loss."

214.

"If upon separation of the husband's and wife's property, a profit is shown, it belongs one-third part to the wife or her descendants and the balance to the husband or his heirs.

If the marital property shows a loss, then it is to be borne by the husband or his heirs, so far as it is not shown that the wife caused it.

By (a) marital contract a different division of the profit or loss can be stipulated."

"The wife is liable during and after the marriage out of her separate property only (1) for debts which she has incurred on account of her separate property; (2) for debts incurred by her with the consent of her husband; (3) for debts incurred by her, in exercise of her right (quite rare) of representing the marital union.

Claims on the ground of extortion benefit are excepted."

"If debts for which the wife's contribution to the marital property is liable are collected out of the husband's property, or debts for which the husband is liable are collected out of the wife's contribution of property, a claim for compensation arises which, nevertheless, under the reservation of the legal exceptions, is not immediately until the time when the union of the property is dissolved.

Separate property debts of the wife are collected out of the marital property, or debts for which the marital property is liable, out of the separate property, the following thereof may be demanded during the marriage."

"In bankruptcy, or in attachment of property of the husband, the wife can make her claim for compensation for her contribution of property now as before at hand. Counterclaims of the husband can be set off. The property still at hand the wife can take to herself as owner thereof."

"If the wife is not protected by the return of her property and the security therefor to the extent of half of her contribution of property, then her claim for compensation for the loss of property shall be a preference over (as) attachments of bankruptcy.

The renunciation of the inheritance, as well as the waiver thereof is lawful in regular proceedings."

"If the wife then the wife's property contributing to save the claims of liberation of the husband, loans to the husband or the wife."

The husband must make compensation for any loss so far as he is responsible, and also refers to what he has to claim from his wife."

"If the husband dies then the wife takes back the remaining property contributed by her, and can make claim upon the heirs for compensation for any loss."

"If upon separation of the husband's and wife's property, a profit is shown, it belongs one-third part to the wife or her descendants and the balance to the husband or his heirs.

If the marital property shows a loss, then it is to be borne by the husband or his heirs, so far as it is not shown that the wife caused it.

By (a) marital contract a different division of the profit or loss can be stipulated."

THIRD SECTION--THE COMMUNITY OF PROPERTY.

215.

"The general community of property unites the property and the income of husband and wife into common property that belongs to them both undivided and in common.

Neither of the couple can dispose of his share in the common property.

If a married person claims that a piece of property does not belong to the common property, the burden is on him of proving the same."

216.

"The husband shall manage the common property.

The common property bears all the expenses of its management.

The wife shares in the management insofar as she is empowered to represent the marital community."

217.

"Disposition of parcels of the common property requires a declaration of both spouses or the consent of one to a disposition by the other, so soon as it is a question out of the ordinary management.

Third persons may assume this consent insofar as the pieces of property are not recognizable by everyone as belonging to the common property."

218.

"The refusal of inheritances by the one requires the consent of the other during marriage.

Decision by the Guardians' Court can be invoked in case of denial of this consent."

219.

"The husband is personally and with the common property responsible: (1) for the antenuptial debts of both spouses; (2) for debts contracted by the wife in her representation of the marital union; (3) for all other debts contracted during the marriage by him or by the wife, charged upon the common property."

220.

"In addition to the common property the wife is personally liable: (1) for her antenuptial debts; (2) for the debts incurred by her with her husband's consent, or in undertakings to his advantage, with consent of the Guardians' Court; (3) for the debts which arise out of the regular pursuit of her profession or occupation; (4) for debts of inheritances which pass to her; (5) for debts arising from unpermitted acts.

For debts contracted by her or her husband for the common household, she is responsible so far as the common property does not reach.

She is not personally responsible for any other debts of the common property."

221,

"The wife is, during and after marriage, liable only to the extent of her separate property: (1) for debts contracted on account of her separate property; (2) for debts contracted by her without

her husband's consent; (3) for debts contracted by her in overstepping her right to represent the marital union.

Claims for unjustified benefit are excepted."

223.

"If debts for which the common property is liable are satisfied out of it, no claim for compensation arises therefor as between the spouses. If debts against the common property have been satisfied out of separate property or separate debts out of common property, (then) there arises a claim for compensation which can be made effective even during the marriage."

224.

"In the case of the husband's bankruptcy and attachment of articles of the common property, the wife can claim for her property contribution and enjoys for her half a preference over (an) attachment or bankruptcy.

The waiver of this preference, as well as renunciation of the same in favor of individual creditors, is void."

225.

"If a married person dies, half of the common property belongs to the surviving spouse. The other half, saving the claims of inheritance of the survivor, descends to the heirs of the deceased one.

If the surviving spouse be unworthy to inherit, (then) can he claim from the common property in no case more than would be coming to him in the case of a divorce."

226.

"In place of a division by halves, any other division can be fixed upon by (a) marriage contract. The descendants of the deceased spouse cannot be deprived of one-fourth of the common property remaining at his death."

227.

"The surviving husband continues personally responsible for all claims against the common property.

The surviving wife can free herself from all liability for the debts of the common property, which are not likewise her personal debts, by refusal of the share coming to her.

If she accepts her portion she is yet responsible, but can free herself from such liability to the extent that she proves the property received by her to be insufficient to pay such indebtedness."

228.

"On division of the property the surviving spouse can demand that there shall be charged against his portion the pieces of property which he has contributed."

229.

"The surviving spouse can continue the community of property with the common children. The consent thereto of the Guardians' Court is requisite in the case of minor children. If the community of property is continued, then claims of inheritance cannot be set up until the end thereof."

230.

"The continued community of property embraces the hitherto marital property as well as the income and wages of those sharing therein, with the exception of the separate property.

Whatever falls to the children or the spouse during this community of property, by way of inheritance or in any other gratuitous way, becomes the separate property insofar as it is not otherwise provided.

Execution as between the sharers of the common property is restricted in like manner as between married persons."

231.

"If the children are minors, the management and representation of the continued community of property belongs to the surviving spouse.

If they are of age, then any other arrangement can be made by agreement."

232.

"The surviving spouse can dissolve the continued community of property at any time. Children of age can withdraw from the community at any time, one alone or all together.

The Guardians' Court can declare withdrawal for minors."

233.

"The continued community of property is dissolved by force of law: (1) upon the death or marriage of the surviving spouse; (2) upon the bankruptcy of the surviving spouse or the children.

If but one of the children goes into bankruptcy, then the others can demand his withdrawal. Upon the bankruptcy of the father, as well as upon the attachment of the common property, the children take the place of the deceased mother."

235.

"If one child marries, then the other in the community can demand his withdrawal. If one child dies leaving issues, then the others in the community can demand his withdrawal. If one child dies without issue, (then) his share remains in the common property saving the claims of heirs not sharing in the community."

236.

"Upon the dissolution of the continued community of property, or the withdrawal of a child, the division or the settlement follows, in accordance with the property conditions at that time. The spouse retains the claims of inheritance against the portions which fall to the several children. The partition cannot be undertaken at an unreasonable time."

237.

"Married persons can by (a) marriage contract arrange a limited community of property, in that they can exclude from the community single pieces or certain kinds of property, as, for example, immovable property.

The excepted articles of property are subject to the rules of separation of property."

238.

"Married women's property reserved out of the community can by (a) marriage contract be brought under the rules of union of property."

239.

"The community of property can by a marriage contract be limited to acquired property.

Whatever during the marriage has been acquired, and not procured as compensation for pieces of property contributed, makes up the acquired property and comes under the rules of the community of property.

The rules of union of property obtain as to property contributed by husband or wife upon the contract of, or during marriage."

240.

"If a profit occurs upon the dissolution of the community, then it is divided by halves between the spouses or their heirs.

Loss is borne by the husband or his heirs, unless it can be proved to have been caused by the wife.

Any other division of the profit or loss can be stipulated by (a) marriage contract."

FOURTH SECTION--SEPARATION OF PROPERTY.

241.

"The separation of property applies to the whole property of both spouses, if it is based upon the law or a decree of court.

If it is based upon a marriage contract, then it applies to the whole property insofar as special exceptions are not made in the contract."

242.

"Each spouse retains the property in his own estate as well as the management and use thereof. If the wife has transferred the management to her husband, then it is assumed that he need give no accounting to her during the marriage but can claim the income from the property so turned over as a contribution towards the marital expenses.

A waiver by the wife of the right to take back the management at any time is void."

243.

"The husband is personally responsible for his antenuptial debts, as well as for those which are incurred by him during marriage, or by the wife in the exercise of her right of representation.

The wife is personally responsible for her antenuptial debts, and for her debts incurred during marriage.

The wife is responsible in case of financial irresponsibility of the husband for the debts incurred by either spouse for the common household."

244.

"The wife has no right of preference in the case of bankruptcy or any attachment of the property of the husband, even if she has given her own property over to him to manage.

The regulations as to the marriage tax are excepted."

245.

"The income and earnings belong to that spouse from whose property, or by whose labor, they come."

246.

"The husband can require that the wife shall furnish a proper contribution towards the burden of the marital expenses.

If the couple cannot agree upon the amount of the contribution, then it can be fixed by the proper tribunal upon petition of either party.

The husband is not liable for the return of the contribution."

247.

"It may be fixed by the marital contract what portion of the married woman's property she shall furnish to the husband towards the marital expenses as a marriage tax. Whatever is so furnished comes under the regime of union of property, unless it is otherwise stipulated."

FIFTH SECTION--THE REGISTER OF PROPERTY RIGHTS.

248.

"The conditions as to property rights, based upon a marriage contract or judicial decree, as well as the juridical acts by the couple concerning the property contributed by the wife, or the common property, require for legal force as against third persons that they shall be entered upon the register of property rights and be published.

Heirs of the deceased spouse shall not be considered third persons."

249.

"Only the provisions which shall be effective as against third persons shall be entered. When not otherwise provided by law, or expressly agreed in the marriage contract, the entry shall be made on the ex-parte application of either spouse."

SECOND DIVISION--RELATIONSHIP.

SEVENTH TITLE--THE STATUS OF LEGITIMATE CHILDREN.

FIRST SECTION--LEGITIMATE DESCENT.

253.

"The legitimacy of a child can be contested before a judge by the husband within three months after he has received knowledge of its birth.

The bill of complaint lies against the child and its mother."

255.

"If a child is born before the one hundred and eightieth day after termination of marital relations, or the couple at the time of conception were judicially separated, then the husband can support his contest by that alone.

The presumption of legitimacy of the child arises, nevertheless, even in this case, when it becomes credible that the husband has cohabited with the mother around the time of conception."

SECOND SECTION--THE DECLARATION OF LEGITIMACY.

258.

"If the parents of an illegitimate child marry, it becomes legitimate by force of law."

259.

"The parents are obligated to declare, upon or immediately after betrothal, the common illegitimate children before the civil status officials of the residence or place of marriage.

The omission of this declaration has no effect upon the legitimacy of the child."

260.

"If the parents of a child have promised each other in marriage, and the betrothal has become impossible through the death or marital incapacity of one of the engaged parties, then the judge has, upon application of the other engaged one or of the child, to declare the legitimacy.

If the child is of age, then can the petition of the engaged one be presented only with the consent of the child.

After the death of this child its descendants can demand the declaration of legitimacy."

263.

"By the declaration of legitimacy the illegitimate child and its legitimate issue are placed on an equal footing with legitimate relatives in respect to the father and mother and their relationship.

The declaration of legitimacy shall be communicated to the civil status officials of the birthplace of the child and the domiciles of the father and mother."

THIRD SECTION--ADOPTION OF CHILDREN.

266.

"A married person can neither adopt a child, nor be adopted as a child, without the consent of the spouse.

A child can be jointly adopted by a married couple only."

FIFTH SECTION--THE PARENTAL POWER.

274.

"During marriage parental power shall be exercised jointly. If the parents are not of one mind, the will of the father shall prevail.

In case of the death of one of the spouses the parental power continues in the survivor, and in case of divorce, it is vested in the spouse to whom the children have been granted."

281.

"Children under parental power, if they are capable of judgment, can, with the consent of father or mother, act for the community, and do not thereby obligate themselves, but their parents, according to their property status."

282.

"If a child becomes obligated in a juridical act with father or mother, or (in such) with a third person in the interest of father or mother, then it must have a curator and the Guardians' Court ratify the transaction."

286.

"In case of the remarriage of father or mother, a guardian shall be appointed for the children under their parental authority, if the circumstances require it.

One of the spouses can be appointed guardian."

287.

"If the reason fails upon which the parental power has been withdrawn, the proper court can then of its own motion, or on application of the father or mother, restore the same.

The restoration can in no case be ordered before the lapse of one year after the deprivation of the power."

SIXTH SECTION--PARENTAL PROPERTY RIGHTS.

291.

"After the dissolution of marriage, the spouse retaining the parental power must furnish an inventory of the child's property to the Guardians' Court and report every substantial change in its condition or disposition."

301.

"In case of an attachment against, or bankruptcy of, the father or mother, the claim to compensation for a child's property has a preference conformably to the law of executions and bankruptcy."

EIGHT TITLE--THE STATUS OF ILLEGITIMATE CHILDREN.

302.

"The relation of illegitimacy arises between the child and its mother at its birth. Between the child and its father it is established by recognition or judicially."

305.

"Both the mother and child, and after its death, its offspring, can, within three months after they have received notice thereof, protest against any act of recognition before the proper civil status officials and declare that the recognizor is not the father or grandfather or that the act of recognition would be detrimental to the child.

That official is to notify the recognizor or his heirs of the protest, whereupon complaint can within three months be laid before the judge of the proper civil status office to reject the protest."

307.

"The mother of an illegitimate child has the right to demand the judicial determination of the paternity. A like right of action belongs to the child. The action lies against the father or his heirs."

309.

"The suit for paternity seeks the contributions towards maintenance of mother and child and in addition, when the special legal conditions are present, the assurance of a civil status for the child.

Contributions towards maintenance for the mother can also be demanded when the child has been recognized by the father, or when it was born dead or has died before judgment. The performance of the parental duty takes the place of contributions towards maintenance for the child when it obtains the civil status of the father."

311.

"Whenever the Guardians' Court has received knowledge of the illegitimate birth, or the unmarried mother has given it notice of her pregnancy, a curator is appointed in all cases for the child, to protect its interests.

The curator is supplanted by a guardian after conclusion of the procedure or after the lapse of the time of limitation, if the Guardians' Court deems it inadvisable to place the child under the parental power of the mother or father."

313.

"A complaint lies before the court of the place of domicle of a Swiss citizen, residing abroad, if the mother and child likewise reside abroad."

314.

"If the respondent, by the proof, has cohabited with the mother in the period from the 300th to the 180th day before the birth of the child, his paternity will be presumed.

This presumption falls, however, as soon as facts are shown which justify a serious doubt as to the paternity of the respondent."

315.

"If the mother has led a dissolute life at about the time of conception, the complaint shall be refused."

316.

"If the mother was married at the time of conception, then a suit for paternity can be brought only after the child has been judicially decreed to be illegitimate.

In such a case the time of limitation runs first from the day on which the child has been decreed an illegitimate."

317.

"The court shall, if the complaint is well grounded, decree to the mother compensation: (1) for the expenses of confinement; for maintenance during at least four weeks before and after the birth; (3) for other necessary expenditures in consequence of the pregnancy and delivery."

318.

"If the father promised marriage to the mother before cohabitation, if he is guilty of a misdemeanor as to her by the cohabitation, or if he has abused his power over her, or if she is not yet of age at the time of the cohabitation, then the court may decree the payment of a sum of money as compensation."

319.

"The court shall, if the complaint is well founded, decree to the child a sum of money towards its maintenance, corresponding to the station in life of the mother and father, but in each case this shall be of an amount sufficient to form a proper contribution towards the expenses of maintenance and education of the child.

The sum of money towards its maintenance is to be paid to the end of the child's 18th year, and that, too, for each period in advance at the times ordered by the court.

The right of action in the child cannot be barred by any agreement made by the mother, or by any renunciation by her, which clearly compromises the child's claims."

321.

"If the paternity is reasonably established and the mother is in want, the court may before final decree order the father to enter security for the probable expenses of delivery and the maintenance of the child for the first three months, even without positive proof that her claim is endangered."

323.

"Upon petition of the complainant the child may be decreed the civil status of the respondent, if he has promised marriage to the mother or has been guilty of a misdemeanor as to her at cohabitation, or has abused his power over her. As against a married man such a decree is barred, if, at the time of cohabitation, he was already married."

324.

"If the child remains with the mother, it receives her family name and her domicile and on the mother's side enjoys the rights and obligations of illegitimate relationship.

The mother shall care for the child as for a legitimate one.

The Guardians' Court may place the child under the parental power of the mother."

325.

"If the child has been voluntarily recognized, or has been decreed the civil status of the father, then it receives his family name and his domicile, and, on the father's as well as mother's side, enjoys the rights and obligations of illegitimate relationship.

The father must care for the child as for a legitimate one. The Guardians' Court may place the child under the parental power of the father or the mother."

326.

"If an illegitimate child is placed under the power of the father, then the mother as well has a right of reasonable personal access to her child.

The Guardians' Court may, upon petition of the mother, or of its own motion, grant the parental power over the child, up to a certain age, to the mother and then over to the father."

327.

"If the Guardians' Court places the child under the parental power of the father or mother, it determines at the same time what rights they may have in the child's property."

NINTH TITLE--THE FAMILY COMMUNITY.

FIRST SECTION--THE DUTY TO SUPPORT.

328.

"Blood relatives in ascending or descending line and brothers and sisters are obligated mutually to support one another as soon as without this aid they would fall into need."

329.

"The claim for support is to be made effective against those under the obligation, in the order of their right to inherit and goes to the rendering of what is requisite for the bare support of the needy one and is proportioned to the circumstances of the one obligated thereto.

Brothers and sisters can be brought under this obligation to support only when they are situated in comfortable circumstances.

The claim is made effective before the proper official of the residence of the one obligated and that, either by the one entitled thereto or if he is supported by the public poor authorities, by the poor officials charged with his support."

SECOND SECTION--THE POWER OVER THE HOUSEHOLD.

334.

"Adult children who have given their service or their income to their parents in the common household can maintain a claim therefor if they have not expressly waived a proper compensation for same, in the event of an attachment against, or bankruptcy of, the father or mother.

In event of a disagreement the court can pass upon the matter and determine the amount of the lien according to his judgment."

THIRD SECTION--THE FAMILY PROPERTY.

335.

"A fund may be limited to a family so that a family endowment is created according to the rules of the law of persons or of inheritance for the purpose of defraying the expenses of education, wedding advancement, maintenance of family members or similar purposes.

The creation of family fideicommissa is no longer allowed."

THIRD DIVISION.--GUARDIANSHIP.

TENTH TITLE--THE GENERAL LAW OF GUARDIANSHIP.

FIRST SECTION.--INSTRUMENTALITIES OF GUARDIANSHIP.

363.

"The family guardianship is created by order of the supervisory council, upon request of two near relatives of commercial capacity, or upon request of a near relative and the spouse of the ward."

364.

"The family council shall be made up every four years by the supervising orphan council, of at least three relatives of the ward, who may be fitted for the charge of a guardianship. The spouse of the ward can belong to the family council."

FOURTH SECTION--THE APPOINTMENT OF THE GUARDIAN.

380.

"If no good reasons speak against it, the court shall prefer in the choice of a guardian a fit near relative or the spouse of the one to be put under a guardian, with due consideration given to their personal situation and the nearness of their residence."

381.

"If the person to be put under a guardian, or his father or mother named anyone as the guardian of their choice, this selection shall be followed, if no serious objections thereto exist."

TWELFTH TITLE--THE END OF THE GUARDIANSHIP.

FIRST SECTION--THE END OF THE WARDSHIP.

431.

"The guardianship over a minor ends at the time when his majority arrives.

Upon the declaration of majority the proper official fixes at the same time the point of time when the age of majority is reached and directs its publication in an official paper."

THIRD PART.

THE LAW OF INHERITANCE.

FIRST DIVISION--HEIRS.

THIRTEENTH TITLE--LEGAL HEIRS.

457.

"The next heirs of a decedent are his descendants. Children inherit in equal shares. Descendants take the place of predeceased children, and in all degrees per stirpes (nach Stammen)."

458.

"If the decedent leaves no issue, the inheritance passes to the parents.

Father and mother inherit equally. Descendants take the place of father and mother, who have predeceased, and in all degrees per stirpes. If descendants fail on one side, the whole inheritance passes to the heirs of the other side."

459.

"If the decedent leaves neither descendants nor heirs of the parental stem, the inheritance passes to the grandparents. If the grandparents on the paternal side and those on the maternal side survive the decedent, they inherit on both sides in equal parts.

Their descendants take the place of a predeceased grandfather or grandmother, and per stirpes in all degrees.

If the grandfather or grandmother on the paternal side or maternal is predeceased, and descendants of the predeceased one fail, the entire half passes to the nearest heirs of that side. If heirs fail on the paternal or maternal side, the whole inheritance passes to the heirs of the other side."

460.

"The right of inheritance of blood relatives ceases with grandparents. Great-grandparents have, however, during life, the right to use the share which would have come to their offspring if they had survived the decedent.

In place of predeceased great-grandparents the right of usufruct for life goes to the brothers and sisters of the decedents' grandparents."

461.

"Blood relatives outside the bonds of matrimony stand in the maternal relationship on a like footing of inheritance with the legitimates.

In the paternal relationship a right of inheritance exists only when the illegitimate child has received the status of the father by recognition or judicial action. If an illegitimate heir or his issue has to share with legitimate descendants of his father, then such illegitimate or his issue receives only half so much as falls to a legitimate child or his issue."

462.

"The surviving spouse receives, if the decedent leaves issue, according to his choice, the half of the inheritance for his usufruct or the fourth absolutely. If there are surviving heirs of the parental stem, he receives a fourth absolutely and three-fourths for his usufruct. If there are surviving heirs of the grandparental stem, the half absolutely and the other half for usufruct, and when no heirs of the grandparental stem exist, the whole absolutely."

463.

"The surviving spouse can, when the usufruct falls to him, demand in its place at any time a yearly income of corresponding amount. If such a substitution has been made, the spouse can demand security from his co-heirs for any impairment of his rights."

464.

"The surviving spouse must, in the event of remarriage, as well as impairment of the estate, furnish at their request security for his co-heirs."

465.

"The adopted child and its issue have a like right of inheritance from its adopting parent, as legitimate issue. The adopting parent and his blood relatives have no right of inheritance from the adopted child."

466.

"If the decedent leaves no heirs at law, then the inheritance, subject to the rights of usufruct by great-grandparents and the brothers and sisters of grandparents, goes to the canton in which the decedent had his last residence, or to the community which is appointed by the law of this canton."

FOURTEENTH TITLE--DISPOSITIONS MORTIS CAUSA.

FIRST SECTION--THE DISPOSING CAPACITY.

467.

"Whoever is capable of judgment, and is eighteen years old, is empowered to dispose of his property by last will, with due observance of the legal restrictions and forms."

468.

"The decedent must be of age to make a contract of inheritance."

SECOND SECTION--FREEDOM OF DISPOSITION.

470.

"Whoever leaves issue, parents or brothers and sisters or a spouse, as his next heirs, can make a disposition mortis causa of his property saving the (compulsory) statutory share (Pflichtteil).

If he leaves none of the mentioned heirs, he can dispose of his whole property."

471.

"The statutory share consists of: (1) for a descendant, three-fourths of the legal claim of inheritance; (2) for each of the parents the half; (3) for each one of brothers and sisters a fourth; (4) for a surviving spouse the whole claim of property if legal heirs survive in addition to him, and the half if he is the sole legal heir."

472.

"Cantons are authorized, as far as inheritances of their citizens, who had their last residence in their borders, are concerned, either to abolish the claim of brothers and sisters to the statutory share or to extend it to the issue of the brothers and sisters."

473.

"The decedent can give the surviving spouse by disposition mortis causa the usufruct of the whole of the share of the inheritance, coming to the common descendants, as opposed to them. This usufruct takes the place of the legal right of inheritance in the spouse, with common issue surviving. In case of remarriage the surviving spouse, however, loses the half of this usufruct."

456.

"The adopted child and its issue have like right of inheritance from its adopting parent, as legitimate issue. The adopting parent and his blood relatives have no right of inheritance from the adopted child."

456.

"If the decedent leaves no heirs at law, then the inheritance, subject to the rights of husband by estate-grandparents and the brothers and sisters of grandparents, goes to the county in which the decedent had his last residence, or to the community which is appointed by the law of this nature."

FOURTEENTH TITLE--DISQUALIFICATIONS WORTIS CAUSA.

FIRST SECTION--THE DISPOSING CAPACITY.

457.

"Whoever is capable of contract, and is eighteen years old, is empowered to dispose of his property by last will, with due observance of the legal restrictions and form."

458.

"The decedent must be of age to make a contract of inheritance."

SECOND SECTION--FAILURE OF DISPOSITION.

459.

"Whoever leaves issue, parents or brothers and sisters or a spouse, at his next heirs, can make a disposition worthis causa of his property saving the (compulsory) statutory share (Pflichtteil).

It be leaves none of the mentioned heirs, he can dispose of his whole property."

471.

"The statutory share consists of: (1) for a descendent, three-fourths of the legal claim of inheritance; (2) for each of the parents the half; (3) for each one of brothers and sisters a fourth; (4) for a surviving spouse the whole claim of property if legal heirs survive in addition to him, and three-fourths if he is to the sole legal heir."

472.

"Donations are anticipated, as far as inheritances of their citizens, who had their last residence in their borders, are concerned, either to abolish the claim of brothers and sisters to the statutory share or to extend it to the issue of the brothers and sisters."

473.

"The decedent can give the surviving spouse by disposition mortis causa the usufruct of the whole of the share of the inheritance, coming to the common descendants, as opposed to them. This usufruct takes the place of the legal right of inheritance in the aivided estate, however, loses the half of this usufruct."

FOURTH SECTION--TESTAMENTARY FORMS.

503.

"Persons not of commercial capacity, or who are in consequence of a criminal sentence not in possession of a citizen's honors and rights, or who cannot write and read, as well as blood relatives in direct line and brothers and sisters of the decedent and their spouses and the spouse of the decedent, can join in the execution of the public disposition neither as the official nor as witnesses.

The recording official and the witnesses, as well as blood relatives in direct line and brothers and sisters or spouses of these persons, may not be remembered in the disposition."

SIXTEENTH TITLE--THE EFFECTS OF SUCCESSION.

SECOND SECTION--THE ACQUISITION OF THE INHERITANCE.

561.

"The legal usufruct of the surviving spouse, as well as great-grandparents and brothers and sisters of grandparents, shall be disposed of in accordance with principles prescribed for legacies. The usufruct becomes really effective, however, at the opening of the succession, subject to the claim of the decedent's creditors."

574.

"If the issue have renounced the inheritance, notice thereof shall be given by the court to the surviving spouse and he can declare his acceptance within the period of a month."

SEVENTEENTH TITLE--DIVISION OF THE INHERITANCE.

SECOND SECTION--METHOD OF DIVISION.

621.

"If one of the co-heirs makes objection, or several declare themselves ready to take it over, the proper court shall decide upon the transfer, sale or division of the trade, with regard to local custom, and where none such exists, to the personal relations of the heirs.

Heirs who desire themselves to follow the trade have a first claim for the undivided transfer. If none of the sons will take over the property for his own trade, the daughters also have the right to take it over, provided they themselves or their husbands appear fitted to pursue it."

THIRD SECTION--THE ADJUSTMENT.

629.

"If the gifts exceed the amount of the heirs' portion, the excess need not be adjusted, subject to the claim of co-heirs for an abatement, when the testator evidently desired to prefer the heir therewith. This preference is presumed in case of outfits given to children upon their marriages in a customary amount."

FOURTH SECTION--INSTANTANEOUS TRUST.

458.

"Persons not of commercial capacity, or who are in consequence of a criminal sentence not in possession of a citizen's powers and rights, or who cannot write and read, as well as minor relatives in direct line and brothers and sisters of the decedent and their spouses and the spouse of the decedent, come into in the execution of the testamentary ratified as the official act as aforesaid.

The responsible official and the witnesses, as well as those relatives in direct line and brothers and sisters of spouses of those persons, may not be summoned in the execution."

SIXTEENTH TITLE--THE MINORITY OF MAJORITY.

SECOND SECTION--THE ACQUISITION OF THE INHERITANCE.

"The legal guardians of the surviving spouse, as well as grandparents and brothers and sisters of grandparents, shall be disposed of in accordance with principles prescribed for inheritance. The matters become really effective, however, at the opening of the succession, subject to the claim of the decedent's creditors."

"If the terms have commenced the inheritance, notice thereof shall be given by the court to the surviving spouse and be published six-months within the period of a month."

SEVENTEENTH TITLE--DIVISION OF THE INHERITANCE.

SECOND SECTION--METHOD OF DIVISION.

"If one of the co-heirs seeks objection, or several co-heirs themselves ready to take it over, the judge court shall decide upon the transfer, sale or division of the stock, with regard to local custom, and where such exist, to the reciprocal relations of the heirs.

Heirs who desire themselves to retain the stock have a first claim for the mediated transfer. If none of the sons will take over the property for his own stock, the daughters also have right to take it over, having they themselves or their husbands appear fitted to pursue it."

THIRD SECTION--THE ALLOTMENT.

"If the gifts exceed the amount of the heirs' portion, the excess need not be delivered, subject to the claim of co-heirs for obedience, when the testator evidently desired to prefer the heir thereto. This preference is presumed in case of outlive given to children upon their marriage in a customary amount."

633.

"Adult children who have contributed their labors of their income to their parents in a common household can claim a reasonable adjustment therefor in the division, if they have not expressly renounced a proportionate compensation."

FOURTH SECTION--CONCLUSION AND EFFECT OF THE DIVISION.

635.

"Contracts between the heirs as to the transfer of hereditary shares, as well as contracts of the father or mother with the children as to the heirs' portion which may fall to them from the other spouse, require a written form for validity.

If they are made between an heir and a third person, they give this third person no right to join in a division, but a claim only upon the portion apportioned to the heir in the division."

CONCLUDING TITLE--INTRODUCTORY AND INAUGURATING PROVISIONS.

FIRST SECTION--THE APPLICATION OF THE OLD AND NEW LAW.

8.

"Every marriage comes under the new law as soon as this statute goes into effect, in respect to the contract of marriage, its dissolution, and the personal effects of marriage.

Marriages and divorces, legal under the old law, shall remain so. Marriages not valid under the old law can be declared invalid only according to the provisions of this law as soon as it has gone into effect, and the time already run must be considered in questions of limitation."

9.

"In respect to effects of marriage upon property rights, the provisions of the present family and inheritance rights shall obtain in the relation of the married persons to one another, even after this law goes into effect, i.e., those rights designated by the cantons as property rights, with the exception of the regulations as to extraordinary property status, the separate property and the marital contract.

As against third parties the married persons come under the new law, if before it goes into effect they have not entered upon the property register their joint written declaration to retain their former property status.

The married persons can, by the filing of their joint written declaration with the proper official, place their property rights even as against one another under the new law,"

12,

"The law of parents and child comes under the new law as soon as this law becomes effective.

A loss of parental power, suffered under the old law, remains effective under the new law also, if upon application of one of the parents it is not otherwise decided in accordance with the regulations of the new law.

If children who stand under the parental power by the new law are subject to a guardianship when the new law becomes effective, then is this guardianship to be superseded by the parental power, but shall continue in force until the change is effected by the proper guardianship officials."

13.

"The status of illegitimacy as soon as this law goes into effect comes under the new law. If an illegitimate child be born before such time, the mother and child can make claim upon the father for only those rights which were given them under the old law. Recognition by the father is to be effected according to the provisions of the new law, even if the child was born before such became effective."

15.

"Conditions of inheritance, and the effects upon property rights of the death of a father, a mother, or one of a married couple, by the cantonal law inseparably joined therewith, shall, if the decedent dies before the introduction of this statute, be regulated even after such time by the old law.

This provision relates as well to the succession as to the heirs."

SECOND SECTION--INAUGURATING AND TRANSFERRING PROVISIONS.

SUPPLEMENT TO SEVENTH TITLE OF THE LAW OF OBLIGATIONS--GIFTS.

60.

107, Fifth paragraph: "In case of an attachment against a married man, the wife can independently protect her rights to the property contributed by her to the marriage, and Art. 168, paragraph 2, of the Civil Code, does not apply."

111, First paragraph: "The husband, the children, wards and dependents of a debtor have the right for a period of forty days, as to claims arising out of the marital, parental, or guardianship relations, to take part in an attachment, even without any prior execution. This right can, however, only be asserted, when the attachment has been made during the continuance of the guardianship, parental or marital relations, or within a year's time after its cessation.

The length of a process or execution is not reckoned therein. Children of full age of the debtor can assert for themselves at any time the claims given them under Art. 334, Civil Code, in an attachment without prior execution.

The Guardians' Court is authorized to make such claim for children, wards or dependents."

Fourth Class. "The half of the claim of the wife of a debtor in bankruptcy for the loss of her marital contribution made subject to the provisions of the union of property or the cummunity of property, so far as the wife is not already covered by the taking back of the property at hand and by the security given her for the half of her marriage contribution."

61.

7a. "Persons for whom no domicile or residence can be proven come under the Swiss law.

7b. A foreigner without commercial capacity, who has closed a juridical act in Switzerland, cannot invoke his incapacity if he were commercially without capacity at such time, according to the Swiss law.

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This provision has no application to family juridical acts or questions of inheritance, or such as involve the title of realty situated abroad.

7c. The validity of a marriage will, if the bridegroom or bride or both are foreigners, be determined with respect to each of them according to the domestic law. The form of a marriage contracted in Switzerland is determined by Swiss law.

7d. A Swiss living abroad may contract a marriage in Switzerland.

He must cause his desire to be made known to the civil status official of his place of domicile.

7e. If a foreigner living in Switzerland will contract a marriage there, he must make known his desire before the civil status official of his residence, after he has obtained the consent of the executive of the canton of his residence to such marriage.

This consent may not be refused if the domiciliary officials declare that they will recognize the marriage of their citizen with all its consequences, but it can be granted even without such a declaration. The betrothal of a foreigner having no residence in Switzerland can be celebrated with consent of the executive of the canton in which it is to take place, if, by declaration of the domiciliary officials or otherwise, it appears that the marriage with all its consequences will be recognized in the domicile.

7f. A marriage contracted abroad according to the law there obtaining will be considered as valid in Switzerland if its contraction was not planned for the foreign place with open intention to circumvent the grounds for invalidity in Switzerland. A marriage contracted abroad and invalid according to the law of the place of its contraction can be declared invalid in Switzerland only when it may be invalid under the Swiss law.

7g. A Swiss married person living abroad can bring a suit for divorce before the court of his domicile. The divorce in such case is decreed exclusively according to Swiss law.

If the divorce of Swiss persons living abroad has been decreed by a court of competent jurisdiction there, it will be recognized also in Switzerland even if the divorce were not justified by the Swiss law.

7h. A foreign husband living in Switzerland can bring a divorce proceeding before the court of his residence if he prove that according to law or legal custom of his domicile the ground laid for the divorce is permitted and the Swiss jurisdiction is recognized.

A ground for divorce, which has occurred at a time when the couple stood under another law, can be asserted only when it is permitted by the former law as ground for divorce.

These conditions met, the divorce of the foreign couple is effected otherwise according to the Swiss law.

71. Complaint and judgment in respect to the foreigner in Switzerland or the Swiss abroad can follow upon divorce or separation as it is allowed by the law invoked.

Separation or a dissolution of a marital community, according to foreign law corresponding thereto, comes under the same law as divorce."

THE CIVIL CODE

OF THE

GERMAN EMPIRE

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FIRST BOOK.

GENERAL PART: FIRST DIVISION.

PERSONS.

FIRST TITLE.

NATURAL PERSONS.

4. "The adjudication of his majority is permissible only with the consent of the minor.

If the minor is under parental control, the consent of the parent having the control is also required, unless the latter has neither the care of the person nor the care of the estate of the minor.

For a widow, who is a minor, the consent of the parent is not required."

10. "The residence of the husband determines the residence of the wife, except when the husband establishes said residence in a foreign country at a place whither his wife does not follow him and is not legally bound to follow him. While the husband has no residence, or when his residence is not the residence of his wife, the wife may have a separate residence."

11. "The residence of the father determines the residence of his legitimate child. The residence of the mother determines the residence of her illegitimate child. The residence of an adopted child is determined by the residence of the person adopting it.

The child retains its residence until it abandons the same in a legal (rechtsgultig) manner.

A legitimation or adoption taking place after the child has attained its majority has no effect on the residence of the child."

FIFTH PART.

LIMITATION.

204. "The limitation of claims, as between husband and wife, is stayed during continuance of the marriage. The same rule is also applicable to claims between parents and children during the minority of the children, and to claims between a guardian and his ward during the continuance of the guardianship."

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SEVENTH DIVISION

VARIOUS RELATIONS OF INDEBTEDNESS.

TWENTY-FIFTH TITLE.

TORTS: UNLAWFUL ACTS (UNERLAUBTE HANDLUNGEN).

825. "One, who induces a woman by fraud, threats, or by abuse of a relation of dependency, to consent to nonconjugal cohabitation is bound to indemnify her for the injury arising therefrom."

847. "In case of injury to body or health, as well as in case of deprivation of liberty, the injured party can also on account of the damages, which are not damages to property, demand a fair compensation in money. The claim is not transferable and does not pass to the heirs, unless it is acknowledged by contract or has been sued upon.

A woman against whom a crime or offense in violation of morality has been committed, or who by cunning, menance or abuse of a relation of dependency has been induced to consent to nonmarital cohabitation, is entitled to a like claim."

FOURTH BOOK.

DOMESTIC (FAMILY) RIGHTS. (FAMILIENRECHT)

FIRST DIVISION.

CIVIL MARRIAGE.

FIRST TITLE.

BETROTHAL.

1297. "Upon a betrothal, suit cannot be brought for the consummation of marriage.

The promise of a penalty in the event, that the marriage is not contracted, is void."

1298. "If a betrothed person rescinds the betrothal, he shall indemnify the other party and his parents as well as third parties, who have acted in place of parents, for the damage caused, so far as they, in expectation of the marriage, have made expenditures or have contracted obligations. He shall also indemnify the betrothed for the damage suffered so far as, in expectation of the marriage, measures touching property or position in business have been taken.

The damage is only insofar to be compensated, as the expenditures, the assumption of obligations and other acts were suitable according to the circumstances.

The obligation of indemnity does not occur, if an essential reason exists for the rescission."

SEVENTH DIVISION.

VARIOUS RELATIONS OF INDEBTEDNESS.

FORTY-FIFTH TITLE.

TORTS; UNLAWFUL ACTS (DELICTS AND QUASI-DELICTS).

857. "One, who induces a woman by fraud, threats, or by abuse of a relation of dependency, to consent to adduce illegal solicitation is bound to indemnify her for the injury arising therefrom."

867. "In case of injury to body or health, as well as in case of deprivation of liberty, the injured party can also so account of the damages, which are not damage to property, demand a fair compensation in money. The claim is not transferable and does not pass to the heirs, unless it is recognized by contract or has been sued upon.

A woman against whom a crime or offence is violation of certainly has been committed, or who by cunning, menace or abuse of a relation of dependency has been induced to consent to extramarital cohabitation, is entitled to a like claim."

BANCA ROCA.

DOMESTIC (FAMILY) RIGHTS. (FAMILIENRECHT)

FIRST DIVISION.

CIVIL MARRIAGE.

FIRST TITLE.

GENERAL.

1327. "Upon a betrothal, suit cannot be brought for the celebration of marriage.

The promise of a penalty in the event, that the marriage is not contracted, is void."

1328. "If a betrothed person rescinds the betrothal, he shall indemnify the other party and his parents as well as third parties, who have acted in place of parents, for the damage caused, so far as they, in expectation of the marriage, have made expenditures or have contracted obligations. He shall also indemnify the betrothed for the damage suffered so far as, in expectation of the marriage, measures touching property or position in business have been taken.

The damage is only insofar to be compensated, as the expenditures, the assumption of obligations and other acts were suitable according to the circumstances.

The obligation of indemnity does not occur, if a material reason exists for the rescission."

1300. "If a betrothed woman, who is without reproach, consents to cohabitation with her betrothed, she may, if the conditions of sec. 1298 or of sec. 1299 exist, also demand a fair indemnity in money, for the injury caused thereby which is not injury to property.

The claim is not assignable and does not pass to the heirs, unless it is assented to by agreement or has been sued on."

SECOND TITLE.

CONSUMMATION OF MARRIAGE.

1303. "A man may not enter the married state before arriving at the age of majority and a woman not before completing her sixteenth year.

A woman may be granted dispensation from this provision."

1305. "A legitimate child requires, up to the completion of his or her twenty-first year, the father's consent to the marriage; an illegitimate child requires, up to the same age, the consent of the mother. The mother takes the place of the father, if the father is dead, or if he, under sec. 1701 is not entitled to the rights derived from his paternity. A child declared legitimate does not require the mother's consent, even though the father is dead.

It is equivalent to the death of the father or of the mother, if they are permanently unable to make a declaration, or if their abode is permanently unknown."

1306. "As to an adopted child, the adoptor has the right to consent to marriage in the place of the natural parents. If husband and wife have jointly adopted the child, or if either has adopted the child of the other, the provisions of sec. 1305, paragraph 1, sentences 1, 2, paragraph 2, apply.

The natural parents do not regain the right to consent, even though the legal relation established by the adoption is revoked."

1307. "The parental consent cannot be conferred through a representative. If the father or mother is restricted in business competency the consent of the legal representative is not required."

1309. "No one shall contract marriage before his previous marriage is dissolved or declared void. If husband and wife want to be married, de novo, the previous declaration of annullment is not necessary.

If the plea of nullity or of restitution is made against a judgment, by which the previous marriage has been dissolved or declared void, the husband and wife shall not contract another marriage before the litigation is determined, unless the action has not been brought until expiration of the prescribed five year limitation."

1310. "A marriage shall not be contracted between relatives in direct line, between brothers and sisters of the full blood or of the half blood or between relatives by marriage in direct line.

A marriage shall not be contracted between persons, of whom the one has had sexual intercourse with parents, grandparents or descendants of the other.

Relationship in the sense of these provisions exists also between an illegitimate child and its descendants on the one part and the father and his relatives on the other part."

1300. "If a betrothed woman, who is without fortune, commits
to cohabitation with her betrothed, who may, if the conditions of
sec. 1298 or of sec. 1299 exist, also demand a fair indemnity in
money, for the injury caused thereby which is not injury to property.

The claim is not assignable and does not pass to the heirs,
unless it is assumed to by agreement or has been sued on."

SECOND TITLE.

CONSUMMATION OF MARRIAGE.

1301. "A man may not enter the married state before attaining
at the age of majority and a woman not before completing her six-
teenth year.

A woman may be granted dispensation from this provision."

1302. "A legitimate child requires, as to the completion of
his or her twenty-first year, the father's consent to the marriage
of illegitimate child requires, as to the same age, the consent of
the mother. The mother takes the place of the father, if the father
is dead, or if he, under sec. 1301 is not entitled to the rights de-
rived from his paternity. A child declared legitimate does not re-
quire the mother's consent, even though the father is dead.

It is equivalent to the death of the father or of the mother,
if they are permanently unable to make a declaration, or if their
abode is permanently unknown."

1303. "As to an adopted child, the adopter has the right to
consent to marriage in the place of the natural parents. If hus-
band and wife have jointly adopted the child, or if either has
adopted the child of the other, the provisions of sec. 1302,
paragraph 1, sentences 1, 2, paragraph 2, apply.

The natural parents do not retain the right to consent, even
though the legal relation established by the adoption is revoked."

1304. "The required consent cannot be conferred through a
representative. If the father or mother is restricted in business
competency the consent of the legal representative is not required.

1305. "No one shall contract marriage before his previous
marriage is dissolved or declared void. If husband and wife want
to be married, to have the previous declaration of annulment is
not necessary.

If the time of nullity or of restitution to cost control
not been brought until expiration of the preceding five year
limitation."

1306. "A marriage shall not be contracted between relatives in
direct line, between brothers and sisters or of the full blood or of
the half blood or between relative by marriage in direct line.

A marriage shall not be contracted between persons, of whom
the one has had sexual intercourse with parents, grandparents or
descendants of the other.

Relationship in the sense of these provisions exists also be-
tween an illegitimate child and the descendants of the man and
the father and his relations or the other part."

1311. "One, who has adopted another as his child, must not contract marriage with the latter or with its descendants, as long as the legal relation arising from the adoption exists."

1312. "Marriage must not be contracted between a spouse divorced on the ground of adultery and the one with whom such divorced spouse has committed adultery, if the adultery is stated in the judgment of divorce as ground thereof.

Dispensation from this provision may be granted."

1313. "A woman must not contract marriage until expiration of ten months after dissolution or annulment of her previous marriage, unless she has borne child in the meantime.

Dispensation from this provision may be granted."

1316. "Bans (Aufgebot) shall precede the marriage. The bans lose their validity, if the marriage is not contracted within six months after the completion of the bans.

Bans may be dispensed with, if the dangerous sickness of one of the betrothed does not admit of the postponement of the marriage.

Dispensation from the bans may be granted."

1318. "The official of the Civil Status shall at the contract of marriage in presence of two witnesses ask the betrothed singly and successively the question whether they will marry one another, and shall after the betrothed have answered the question in the affirmative, pronounce, that by virtue of this law they are now lawfully joined as husband and wife.

Persons who have been deprived of the civil privileges (buergerliche Ehrenrechte) shall not, during the period for which the loss of such privileges has been adjudged, nor shall minors be called as witnesses. Persons who are related or related by marriage to one of the betrothed, to the official of the Civil Status or with each other, may be called as witnesses.

The official of the Civil Status shall enter the marriage contract in the Register of Marriages."

1322. "The consent to the dispensation admissible under secs. 1303, 1313, is within the jurisdiction of the Federal State, to which the woman belongs, the consent to the dispensation admissible under sec. 1312 is within the jurisdiction of the Federal State to which the divorced husband belongs. For Germans who do not belong to any Federal State, sec. 1316, is within the jurisdiction of the Federal State within which the marriage is to be contracted.

The granting of the consent, which is within the jurisdiction of a Federal State, is determined by the government thereof."

THIRD TITLE.

VOID AND VOIDABLE MARRIAGES.

1324. "A marriage is void if, at the marriage contract, the consent is within the jurisdiction of the Imperial Chancellor.

The consent to the dispensation, admissible under the form prescribed in sec. 1317 has not been observed.

1311. "Ex," who has adopted another as his child, must not contract marriage with the latter or with its descendants, so long as the legal relation arising from the adoption exists.".

1312. "Marriages must not be contracted between a person divorced on the ground of adultery and the one with whom such divorced spouse has committed adultery, if the adultery is stated in the judgment of divorce as ground therefor.

Dispensation from this prohibition may be granted."

1313. "A woman must not contract marriage until expiration of ten months after dissolution or annulment of her previous marriage, unless she has borne child in the meantime.

Dispensation from this prohibition may be granted."

1314. "Near (Adjoined) shall preside the marriage. The banns lose their validity, if the marriage is not contracted within six months after the completion of the same.

Banns may be dispensed with, if the consanguinity, kindness of one of the betrothed does not exist of the contemplated of the marriage.

Dispensation from the banns may be granted."

1315. "The official of the Civil Status shall at the contract marriage in presence of two witnesses and the betrothed singly and successively the Civil Status whether they will marry one another, and shall after the betrothed have answered the question in the affirmative, pronounce, that by virtue of this law are now lawfully joined as husband and wife.

Persons who have been deprived of the civil privileges (Ehrenrechte) shall not, during the period for which the loss of such privileges has been ordained, nor shall minors be called as witnesses. Persons who are related or related by marriage to one of the betrothed, to the official of the Civil Status or with each other, may be called as witnesses.

The official of the Civil Status shall enter the marriage contract in the register of Marriages."

1316. "The consent to the dissolution contractible under marriage, 1313, 1314, is within the jurisdiction of the Federal State, to which the woman belongs, the consent to the divorcement admissible under art. 1312 is within the jurisdiction of the Federal State to which the divorced husband belongs. For Germans who do not belong to any Federal State, 1316, is within the jurisdiction of the Federal State within which the marriage is to be contracted.

The question of the consent, which is within the jurisdiction of a Federal State, is determined by the Government thereof."

TRIAD TITLE.

VOID AND VOIDABLE MARRIAGES.

1320. "A marriage is void if, at the marriage contract, the consent is within the jurisdiction of the Imperial Chancellor.

The consent to the dissolvement, contractible under the form prescribed in sec. 1313 has not been observed.

If the marriage has been entered in the Marriage Register, and if the spouses after the marriage contract have lived together ten years as husband and wife, or if either of them having died previously, have lived together up to the time of the death, but at least three years, as husband and wife, the marriage is to be regarded as valid from the beginning. This provision is not applicable, if suit for nullity has been brought at the expiration of ten years, or at the time of the death of one of the spouses."

1326. "A marriage is void if one of the spouses at the time of the marriage contract is living in valid marriage with a third party."

1333. "A marriage can be contested by the spouse, who at the time of the contract of marriage was mistaken as to person of the other spouse or was in error as to such personal qualities of the other spouse, which with knowledge of the facts and with intelligent appreciation of the nature of marriage would have kept him from contracting the same."

1335. "A marriage may be contested by the spouses, who has been unlawfully induced by menance to contract marriage."

FOURTH TITLE.

NEW MARRIAGE IN CASE OF DECLARATION OF DEATH.

1352. "If the previous marriage is dissolved under sec. 1348, paragraph 2, the obligation of the wife to contribute to the husband for the maintenance of their child, is fixed by the provisions of sec. 1585 relative to divorce."

FIFTH TITLE.

RESULT OF MARRIAGE IS GENERAL.

1354. "The husband has the right to decide in all matters concerning the common matrimonial life; in particular he determines place of domicil and residence.

The wife is not obliged to comply with the decision of the husband, if the decision appears as a misuse of his right."

1355. "The wife receives the family name of the husband."

1356. "The wife without prejudice to the provisions of sec. 1354, has the right and the obligation to manage the common household.

It is the wife's duty to assist in the household and in the business of the husband, insofar, as such assistance is customary under the circumstances, in which they are living."

1357. "The wife, has the right within her domestic sphere to attend to the business of the husband and to represent him. Legal transactions, which she undertakes within this sphere are regarded as undertaken in the name of the husband, unless a different conclusion results from the circumstances.

If the marriage has been entered in the Marriage Register, and if the spouses after the marriage have lived together for years as husband and wife, or if either of them having died otherwise, have lived together up to the time of the death, but at least three years, as husband and wife. The marriage is to be regarded as valid from the beginning. This provision is not applicable, if suit for nullity has been brought at the expiration of two years, or at the time of the death of one of the spouses."

1338. "A marriage is void if one of the spouses at the time of the marriage contract is living in valid marriage with a third party."

1339. "A marriage can be contested by the spouse, who has been unlawfully induced by menace to contract marriage."

NINETH TITLE.

NEW MARRIAGE IN CASE OF DECLARATION OF DEATH.

1340. "If the previous marriage is dissolved under sec. 1348, paragraph 2, the obligation of the wife to contribute to the husband for the maintenance of their child, is fixed by the provisions of sec. 1585 relative to divorce."

TENTH TITLE.

RESULT OF MARRIAGE IN GENERAL.

1341. "The husband has the right to decide in all matters concerning the common matrimonial life; in particular he determines place of domicil and residence.

The wife is not obliged to comply with the decision of the husband, if the decision attacks as a misuse of his right."

1342. "The wife receives the family name of the husband."

1343. "The wife without limitation to the provisions of sec. 1354, has the right and the obligation to manage the common household.

In the wife's duty to manage in the household and in the business of the husband, Insofar, as such assistance is customary under the circumstances, in which they are living."

1344. "The wife, has the right within her domestic sphere to attend to the business of the husband and to represent him. Legal transactions, which she undertakes within this sphere are regarded as undertaken in the name of the husband, unless a different conclusion results from the circumstances.

The husband may restrict or exclude this right of the wife. If the restriction or exclusion is shown to be a misuse of the right of the husband, it may on application of the wife be revoked by the Court of Guardianship. As to third persons, the restriction or exclusion is effective only according to the provisions of sec. 1435."

1360. "The husband shall maintain his wife according to his station in life, his property and his earning ability.

The wife shall accord to her husband, if he is unable to maintain himself, the maintenance corresponding to his station in life, according to her means and earning ability.

The maintenance is to be accorded in the manner indicated by the matrimonial community. Sec. 1605, 1613 to 1615 prescribing the obligation of maintaining relatives correspondingly apply."

SIXTH TITLE.

MATRIMONIAL RIGHTS OF PROPERTY (EHELICHES GUETERRECHT).

I. LEGAL RIGHTS OF PROPERTY.

1. General Prescripts.

1363. "The property of the wife is, by the marriage, subjected to the management and use of the husband (eingebrachtes Gut) (property brought into the marriage).

Property acquired by the wife during the marriage is also property brought into the marriage (eingebrachtes Gut)."

1364. "The management and use of the husband do not take place, if he contracts marriage with a woman restricted in her business competency, without consent of her legal representative."

1365. "The management and the use of the husband do not extend to the reserve property (Vorbehaltsgut) of the wife."

1367. "That, which the wife acquires by her labor or by the independent management of a business is reserved property."

1369. "That is reserved property, which the wife acquires by inheritance, bequest or as obligatory (compulsory) portion (acquisition causa mortis), or that which inter vivos is bestowed upon her gratuitously by a third party, if the testator by last will, or the third party at the bestowal, has directed that the acquisition shall be reserved property."

1370. "Property which the wife acquires by virtue of a right belonging to her reserved property, or as compensation for the destruction, injury or removal of an object belonging thereto, or by legal transaction relating to the same, is also reserved property."

1371. "The provisions hereof as to the property of the wife, upon separation of the property (Gutertrennung) correspondingly apply to her reserved property. The wife shall, however, contribute to the expenses of the matrimonial life, only insofar as the husband does not already receive an adequate contribution by the use of the property brought into the marriage."

1372. "Either spouse may require that the status of the property brought into the marriage be fixed by inventory with cooperation of the other spouse. The provisions of sec. 1035 as to usufruct apply to the taking of the inventory.

Either spouse may cause the condition of the things pertaining to the property brought into the marriage to be established at his expense by experts."

2. Management and Use.

1374. "The husband shall manage the property brought into the marriage in an orderly manner. Upon request he shall give his wife information as to the status of the management."

1375. "The husband's right to the management does not include the authority to bind the wife by legal transactions, or to dispose of property brought into the marriage without her consent."

1376. "Without obtaining consent of the wife, the husband may:

(1) Dispose of money and other fungible things of the wife.
(2) Set off claims of the wife against such claims against her, the payment of which may be demanded out of the property brought into the marriage.
(3) Fulfill obligations of the wife to furnish an object pertaining to the property brought into the marriage by furnishing the object."

1379. "If a legal transaction is necessary for the orderly management of the property brought into the marriage, for which the husband requires the consent of the wife, the consent may, upon application of the husband, be given by the Court of Guardianship, if the wife refuses it without sufficient reason.

The same is the case, if the wife is prevented from a declaration by sickness or by absence, or if delay is dangerous."

1380. "The husband may in his own name enforce by legal action a right pertaining to the property brought into the marriage. If he is authorized to dispose of the right without consent of the wife, the judgment is effective in favor of, or against the wife."

1385. "It is the duty of the husband to the wife during the continuance of the management and the use, to bear:

(1) The public burdens of the wife, excluding the burdens upon the reserved property and the extraordinary burdens, which are to be regarded as laid upon the principal value of the property brought into the marriage.
(2) The private burdens upon the objects belonging to the property brought into the marriage.
(3) The payments to be made for the insurance of the objects belonging to the property brought into the marriage."

1387. "The husband shall bear, as to the wife:

(1) The costs of a litigation, in which he enforces a right belonging to the property brought into the marriage, as well as the costs of a litigation carried on by the wife, so far as the costs are not chargeable to the reserved property.
(2) The costs of the defense of the wife in penal proceedings against her, so far as the expenditure of costs are made necessary by the circumstances, or is made with assent of the husband, saving the wife's obligations to render compensation in the event of her conviction."

husband, saving the wife's obligations to render consortium necessary by the circumstances, or is made with consent of the wife, for the expenses of the wife in legal proceedings against her, so far as the assets are not chargeable to the reserved property.

(3) The costs of the defense of the wife in penal proceedings are not chargeable to the reserved property.

1387. "The husband shall bear, as to the wife:

(1) The costs of a litigation, in which he enforces a right belonging to the property brought into the marriage, as well as the costs of a litigation carried on by the wife, so far as the costs are not chargeable to the reserved property.

(2) The costs of the defense of the wife in penal proceedings, which are to be regarded as in a high degree the criminal wrong of the proprietor of the reserved property and the extraordinary burdens, which are to be imposed upon the principal value of the property brought into the marriage.

(3) The public burdens of the wife, excluding the burdens which are to be borne by the reserved property.

1388. "It is the duty of the husband as to the wife during the continuance of the management and the use, to bear:

(1) The public burdens of the wife, excluding the burdens which are to be borne by the reserved property.

(2) The ordinary repairs of the property brought into the marriage, as well as the other burdens. The provisions of sec. 1041 as to usufruct apply to the taking of the inventory.

Either spouse may require that the status of the property brought into the marriage be fixed by inventory with reference to the property brought into the marriage by the other spouse, or by the latter as to the property brought into the marriage by the former.

1389. "Either spouse may require that the status of the property brought into the marriage be fixed by inventory with reference to the property brought into the marriage by the other spouse, or by the latter as to the property brought into the marriage by the former.

Either spouse may cause the condition of the things pertaining to the property brought into the marriage to be established by experts by experts."

3. Management and Use.

1374. "The husband shall manage the property brought into the marriage in an orderly manner. He is required to shall give his wife information as to the status of the management."

1375. "The husband's right to the management does not include the authority to bind the wife by legal transactions, or to dispose of property brought into the marriage without her consent."

1376. "Without obtaining consent of the wife, the husband may:

(1) Dispose of money and other movable things of the wife.
(2) Set off claims of the wife against such claims against him, the payment of which may be demanded out of the property brought into the marriage.
(3) Perform obligations of the wife to perform an object pertaining to the property brought into the marriage by performing the object."

1377. "If a legal transaction is necessary for the orderly management of the property brought into the marriage, for which the husband requires the consent of the wife, the consent may, upon application of the husband, be given by the court of guardianship, if the wife refuses it without sufficient reason.

The same is the case, if the wife is prevented from a declaration by sickness or by absence, or if delay is dangerous."

1378. "The husband may in his own name enforce by legal action a right pertaining to the property brought into the marriage. If he is authorized to dispose of the right without consent of the wife, the judgment is effective in favor of, or against the wife."

1388. "Insofar as under secs. 1385 to 1387 the husband as towards the wife has to bear her obligations, he is liable to the creditors as joint debtor with his wife."

1389. "The husband shall bear the matrimonial expenses.

The wife may require, that the husband apply the net proceeds of the property brought into the marriage, as far as it is necessary, for his own and the wife's maintenance and to that of their joint descendants, only and without regard to his other obligations."

1391. "If by the action of the husband the apprehension is justified, that the rights of the wife are infringed in a manner essentially imperiling the property brought into the marriage, the wife may require security from the husband.

The same is the case, if the claims of the wife for compensation of the value of fungible things arising from the management and usufruct of the husband, are essentially imperiled."

1392. "If the conditions exist under which the husband is obliged to give security, the wife may also require, that the husband deposit all paper payable to bearer together with the renewal certificates with a depositary, or with the Imperial Bank with the direction, that the delivery shall be demanded by the husband only upon the consent of the wife. The deposit of obligations payable to bearer, which under sec. 92 belong to fungible things, as well as of interest, rent or profit coupons cannot be required. Obligations payable to order, bearing blank endorsement are equivalent to obligations payable to bearer.

As to the deposited obligations, the husband cannot make any dispositions to which he is entitled under sec. 1376, without obtaining consent of the wife."

1394. "The wife cannot prosecute by action claims against the husband by reason of the management and use, until after the termination thereof, unless the conditions exist, under which she may in accordance with sec. 1391 demand security. The claim set forth in sec. 1389, par. 2, is not subject to this restriction."

1395. "The wife requires the consent of the husband to the disposition of property brought in (to the marriage)."

1396. "If the wife disposes, under contract, without the husband's consent, of property brought into the marriage, the validity of the contract is dependent on his approval.

If the other party requires the husband's declaration as to his approval, the declaration can only be made to him; an approval, or refusal of the approval, declared to the wife before the demand, becomes ineffective. The approval can be declared only within two weeks after receipt of the demand; if it is not given, it is deemed to be refused.

If the husband refuses the approval, the contract does not become effective through the discontinuance of his management and use."

1398. "A unilateral transaction, by which the wife without consent of the husband disposes of property brought into the marriage, is void."

1400. "If the wife carries on a lawsuit without the consent of the husband, the judgment is of no effect as to the husband, in respect of the property brought into the marriage,

1388. "Insofar as under sec. 1386 is 1387 the husband as separate the wife but to bear her obligations, he is liable to the creditors as joint debtor with his wife."

1389. "The husband shall bear the matrimonial expenses.

The wife may require, that the husband sigh the act proceeds for his own and the wife's maintenance and to that of their joint descendants, only and without regard to his other obligations."

1391. "If by the action of the husband the arrangement is jeopardized, that the rights of the wife are injured in a manner essentially jeopardizing the property brought into the marriage, the wife may require security from the husband.

The same is the case, if the claims of the wife for compensation of the value of fungible things arising from the management and maintenance of the husband, are essentially imperiled."

1392. "If the conditions exist under which the husband is obliged to give security, the wife may also require, that the husband deposit all paper payable to bearer together with the renewal certificates with a depositary, or with the imperial Bank with the direction, that the delivery shall be assented by the husband only upon the consent of the wife. The deposit of obligations payable to bearer, which under sec. 86 belong to fungible things, as well as of interest, rent or profit coupons cannot be required. Obligations payable to order, bearing blank endorsement are equivalent to obligations payable to bearer.

As to the deposited obligations, the husband cannot make any disposition to which he is entitled under sec. 1376, without consent of the wife."

1394. "The wife cannot renounce by notice claims arising by husband by reason of the management and use, until after the termination thereof, unless the conditions exist, under which she may in accordance with sec. 1391 demand security. The claim are forth in sec. 1393, par. 2, is not subject to this restriction."

1395. "The wife requires the consent of the husband to the disposition of property brought in (to the marriage)."

1396. "If the wife alienates, under contract, without the husband's consent, of property brought into the marriage, the validity of the contract is dependent on his approval.

If the other party requires the husband's declaration as to his approval, the declaration can only be made to him an approval, or refusal of the approval, down to the wife before the lapse of two weeks after receipt of the demand; if it is not given, it is deemed to be refused.

If the husband refuses the approval, the contract does not become effective through the disconformance of his management and use."

1397. "A unilateral transaction, by which the wife without consent of the husband disposes of property brought into the marriage, is void."

1398. "If the wife carries on business without the consent of the husband, the judgment is of no effect as to the husband. In respect of the property brought into the marriage,

A right pertaining to the property brought into the marriage can be enforced by the wife, by a lawsuit, only with the consent of the husband."

1402. "If the orderly management of the personal affairs of the wife makes a legal transaction necessary, for which the wife requires the consent of the husband, the consent may on application of the wife be given by the Court of Guardianship if the husband refuses it without sufficient reason."

1405. "If the husband gives the wife his consent to carry on a business independently, his consent is not required to such legal transactions and legal controversies as the business brings with it. Unilateral transactions relating to the business are to be entered into towards the wife.

The carrying on of the business by the wife with the knowledge and without objection of the husband, is equivalent to his consent.

An objection and the revocation of the consent are effective as to third parties only as provided in sec. 1435."

1406. "The wife does not require the husband's consent:

(1) To the acceptance or refusal of an inheritance or bequest, to the renunciation of the obligatory portion as well as to the making of the inventory upon accession of an inheritance.
(2) To the declination of a proposition for a contract, or of a donation.
(3) To enter into a legal transaction with the husband."

1407. "The wife does not require the husband's consent:

(1) To the continuance of a litigation pending at the time of the marriage.
(2) To the enforcement in law against the husband of a right pertaining to the property brought into the marriage.
(3) To the enforcement in law against a third person of a right pertaining to the property brought into the marriage, if the husband has disposed of the right without the required assent of the wife.
(4) To the enforcement in law of a right to object to an execution levy."

1409. "If the husband is under guardianship, the guardian shall represent him in the rights and duties, which arise out of the management and usufruct of the property brought into the marriage. This is also the case, if the wife is the guardian of the husband."

3. Liability for Debts.

1412. "The property brought into the marriage is liable for an obligation of the wife, which arises out of a legal transaction after the marriage only, if the husband gives his consent to the transaction, or if the transaction is valid as to him without his consent.

As to the costs of a litigation of the wife, the property brought into the marriage is liable also, if the judgment is of no effect as to the husband respecting the property brought into the marriage."

1413. "The property brought into the marriage is not liable for an obligation of the wife, which arises out of her succession to an inheritance or bequest, if she acquires it after the marriage as reserved property."

1414. "The property brought into the marriage is not liable for an obligation of the wife, which arises after the marriage out of a right pertaining to the reserved property or out of the possession of a thing pertaining thereto, unless the right or the thing pertains to a business, carried on independently by the wife with consent of the husband."

1415. "In the relation of the spouses to each other, the reserved property is subject:

(1) To the obligations of the wife, arising out of a forbidden act, which she commits during the marriage, or out of a criminal proceeding instituted against her on account of such an act.

(2) To the obligations of the wife arising out of a legal relation involving the reserved property, even though they have arisen before the marriage or before the time at which the property became reserved property.

(3) To the costs of a litigation carried on by the wife about one of the obligations set forth in Nos. 1 and 2.

(4) Expiration of the Management and Usufruct."

1418. "The wife may sue for abrogation of the management and usufruct:

(1) If the conditions exist under which the wife may under sec. 1391 require security.

(2) If the husband has violated his obligations to maintain the wife and their joint descendants and if an essential danger to the maintenance in the future is to be apprehended. A violation of the obligation of maintenance already exists, if the wife and joint descendants do not at least receive the maintenance, which would be due to them under an orderly management and usufruct of the property brought into the marriage.

(3) If the husband has been declared incompetent.

(4) If under sec. 1910 a guardian has been appointed for the husband in the management of his estate.

(5) If a guardian during absence (Abwesenheitspfleger) has been appointed for the husband, and if the early revocation of the guardianship is not to be expected.

The abrogation of the management and usufruct takes place as soon as the judgment becomes final."

5. Separation of Property.

1427. "The husband shall bear the matrimonial expenses.

The wife shall pay to the husband, towards defraying the matrimonial expenses, an adequate contribution from the income of her property and from the earnings of her labor, or of any business conducted by her separately. As to the past the husband may require contribution insofar only, as the wife notwithstanding his request has remained in arrears. This claim of the husband is not transferable."

II. CONTRACTUAL RIGHTS OF PROPERTY.

1. General Prescripts.

1434. "The marriage contract must be made in Court or before a notary in the contemporaneous presence of both parties."

2. General Community of Property.

1438. "The property of the husband and the property of the wife become, through the general community of property, the common estate of both spouses.(Gesammtgut). The joint property includes also the property acquired by the husband or wife during the community of property.

The various objects become common, without requiring a transfer by means of a legal act.

If a right becomes common, which is, or can be entered in the Land Register, either spouse can require the other to cooperate in rectifying the Land Register."

1444. "The husband requires the assent of the wife for a transaction, by which he binds himself to a disposition of the joint estate as a whole, as well as to a disposition of joint property, by which an obligation of this kind entered into without consent of the wife is to be carried out."

1445. "The husband requires the consent of the wife to a disposition of a piece of land belonging to the joint estate as well as tothe assumption of the obligation to such disposition."

1449. "If the husband, without consent of the wife, disposes of a right pertaining to the joint estate, the wife may enforce in law the right against third parties without cooperation of the husband."

1453. "The wife alone has the right to accept or renounce an inheritance or bequest coming to her; the husband's consent is not required. The same is the case as to the renunciation of the obligatory portion (Pflichtteil) as well as to the nonacceptance by the wife of proposed contract or of a donation.

In the making of an inventory of an inheritance to which the wife is entitled, she does not require the consent of the husband."

1467. "That, which a spouse owes to the joint estate, or the wife to the reserved estate of the husband, is only to be paid upon expiration of the community of property; insofar, however, as the wife's reserved property is sufficient for the payment of her debt, she shall pay the debt previously.

That, which the husband is entitled to demand out of the joint estate is not due until after the expiration of the community of property."

1468. "The wife may sue for dissolution of the community of property.

(1) If the husband has entered into a transaction of the description designated in secs. 1444 to 1446 without consent of the wife, and if in the future an essential peril to her interests is to be apprehended.

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(2) If the husband has diminished the joint estate intending to prejudice the wife.

(3) If the husband has violated his obligation to maintain the wife and the joint descendants, and if in the future an essential peril to their maintenance is to be apprehended.

(4) If the husband is adjudged incompetent as a spendthrift, or if he wastes the joint estate.

(5) If the joint estate, in consequence of individual obligations of the husband, is so greatly indebted, that a later acquisition of the wife is essentially imperiled."

1478. "If the spouses are divorced, and if either is alone adjudged guilty, the other may demand, that the value of what either brought into the community, be returned to him; if the value of the joint estate is not sufficient therefor, each spouse shall bear half of the deficiency.

That, which would have been property brought in, if community of acquisitions (Errungenschaftsgemeinschaft) had existed, is regarded as brought into the marriage. The value of property brought in relates to the time when it is so acquired.

The right set forth in paragraph 1 pertains also to the spouse, whose marriage is dissolved on account of insanity."

1482. "If the marriage is dissolved by the death of one of the spouses, and if there is no joint descendant, the share of the deceased spouse in the joint estate belongs to the decedent's estate. The succession of the spouse is had according to the general provisions hereof."

1493. "The continuance of the community of property ends upon the re-marriage of the surviving spouse.

If a descendant entitled to share is a minor, or is under guardianship, the surviving spouse shall communicate the intention to re-marry to the Court of Guardianship, and submit a statement of the joint estate, to end the community of property and to bring about the settlement. The Court of Guardianship may permit, that the dissolution of the community of property be postponed, until the marriage, and that the settlement be had thereafter."

3. Community of Acquisitions.

(Errungenschaftsgemeinschaft.)

1522. "Property of a spouse, brought into the marriage, are objects which cannot be transferred by legal transaction, as well as rights, which are extinguished with his death, or of which the acquisition is conditioned by the death of one of the spouses."

1541. "That, which a spouse owes to the joint estate, or which the wife owes tothe property of the husband brought into the marriage, is not to be paid until after the dissolution of the community of acquisitions; insofar, however, as for the payment of a debt of the wife her property brought into the marriage and her reserved property suffice, she has to satisfy the debt before,

That, which the husband has to claim from the joint estate, he cannot demand until after the dissolution of the community of acquisitions."

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(2) If the husband has declared the joint estate insolvent,

(3) If the husband has violated his obligation to maintain the wife and the joint descendants, and if in the future no essential peril to their maintenance is to be apprehended,

(4) If the husband is adjudged incompetent as a spendthrift, or if he sustains the joint estate.

(5) If the joint estate, in consequence of habitual dissipation of the husband, is so greatly indebted, that a later equalization of the wife is essentially impaired."

1470. "If the spouses are divorced, and if either is alone adjudged guilty, the other may demand, that the value of what either brought into the community, be returned on condition that the value of the joint estate is not sufficient therefor, such claims shall rank next to the deficiency.

That, which could have been properly brought in, if community of equalization (Errungenschaftsgemeinschaft) had existed, is regarded as brought into the marriage. The value of property brought in relates to the time when it is so acquired.

The right set forth in paragraph 1 pertains also to the spouse, whose marriage is dissolved on account of insanity."

1483. "If the marriage is dissolved by the death of one of the spouses, and if there is no joint descendant, the share of the deceased spouse in the joint estate belongs to the survivor.

The dissolution of the spouse is not accorded to the survivor, unless proof."

1493. "The continuance of the community of property ends upon the remarriage of the surviving spouse.

If a descendant entitled to share in a estate, or in under inheritance, the surviving spouse shall communicate the inventory to the court of guardianship, and notify a statement of the joint estate, to one the community of property and to bring about the settlement. The court of guardianship may permit, that the dissolution of the community of property be postponed, until the majority, and that the settlement be put therefore."

3. Community of Acquisitions.

(Zugewinngemeinschaftsrecht.)

1528. "Property of a spouse, brought into the marriage, and objects which consist be transferred by legal transaction, be well as debts, which are existing with his death, or of which the acquisition is conditioned by the death of one of the spouses."

1541. "That, which a spouse owes to the joint estate, or which the joint estate property of the husband brought into the marriage, is not to be paid until after the dissolution of the community of acquisitions; however, as for the payment of a debt of the wife for property brought into the marriage and not received from her relation, she has to satisfy the debt before.

That, which the husband has to claim from the joint estate, cannot demand until after the dissolution of the community of acquisitions."

SEVENTH TITLE.

DISSOLUTION OF MARRIAGE.

1565. "A spouse may sue for divorce, if the other spouse is guilty of adultery or of an action punishable according to secs. 171, 175 of the Penal Code.

The right of the spouse for divorce is barred, if he assents to the adultery, or to the punishable action, or becomes guilty of participation."

1566. "A spouse may sue for divorce, if the other spouse has designs upon his (her) life."

1567. "A spouse may sue for divorce, if the other spouse has wilfully deserted.

It is wilful desertion:

(1) If a spouse, after having, by final judgment, been adjudged to restore the marital community, has for the period of a year wilfully and against the will of the other spouse not complied with the judgment.

(2) If a spouse has for the period of a year wilfully and against the will of the other spouse kept himself (herself) separate from the marital community and if the presumptions as to the public service (of notice) have since a year been existing against him.

Divorce is inadmissible in case of par. 2, No. 2, if the presumptions as to the public service (of notice) at the conclusion of the oral trial upon which the judgment is rendered, no longer exist."

1568. "A spouse may sue for divorce, if the other spouse by grave violation of the duties of marriage or by dishonorable or immoral conduct has caused so grave a disorder of the matrimonial relation, that the spouse cannot be presumed to continue the marriage. Gross maltreatment is also regarded as such grave violation."

1569. "A spouse may sue for divorce, if the other spouse has become mentally diseased, if the disease has, during the marriage, continued at least three years and has reached such a degree, that the mental community between the spouses is severed, and that every prospect of restoration of such community is excluded."

1570. "The right to divorce is barred in the cases of secs. 1565 to 1568 by condonation."

1577. "The divorced wife retains the family name of the husband.

The wife may resume her family name. If she was married previously to the dissolved marriage, she may also resume the name, which she had at the time of the marriage, unless she is alone adjudged guilty. The resumption of the name is effected by declaration before the competent authority; the declaration is to be made in publicly authenticated form.

If the wife alone is adjudged guilty, the husband may forbid her to bear his name. The prohibition is effected by declaration before the competent authority (magistrate); the declaration is to be made in publicly authenticated form. The magistrate is to communicate the declaration to the wife. With the loss of the name of the husband, the wife again receives her family name."

SECOND DIVISION.

RELATIONSHIP.

THIRD TITLE.

DUTY OF MAINTENANCE.

1609. "If there are several needy, and if the obligee is unable to afford maintenance to all, the descendants are preferred to the relatives of the ascending line, of the descendants those, who in case of the legal succession would be entitled as heirs, are preferred to the other descendants, and of the relatives of the ascending line, the nearer are preferred to the more distant.

The claim of the spouse is of equal force with those of the minor unmarried children; he is preferred to other children and to the other relatives. A divorced spouse as well as a spouse, who under sec. 1351 is entitled to maintenance, is preferred to the children, who are of age or married and to the other relatives."

1634. "Next to the father, the mother has, during the marriage, the right and duty to care for the person of the child; she is not entitled to represent the child, without prejudice to the provision of sec. 1685, par. 1. In a difference of judgment between the parents, that of the father is preferred."

FOURTH TITLE.

LEGAL RELATION OF THE CHILDREN OF THE MARRIAGE.

II. PARENTAL POWER.

2. Parental Control of the Mother.

1684. "The mother has the parental control:

(1) If the father is dead, or is adjudged dead.
(2) If the father has forfeited the parental control and the marriage is dissolved.

In the event of the adjudication of death, the parental control of the mother begins at the time, which is fixed as the time of death of the father."

1685. "If the father is actually prevented from exercising the parental control, or if his control is in abeyance, the mother shall exercise, during the continuance of the marriage, parental control with exception of the usufruct.

If the marriage is dissolved, and if the parental control of the father is in abeyance and there is no prospect, that the reason for the abeyance will cease, the Court of Guardianship, upon application of the mother, shall transfer the control to her. In this event, the mother obtains also the usufruct of the property of the child."

1693. "The Court of Guardianship may, upon application of the mother, transfer to the assistant the administration wholly or in part; insofar as this is done, the assistant has the rights and duties of a guardian (Pfleger)."

1696. "If the parental control of the mother is in abeyance by reason of minority, the mother has the right and duty to care for the person of the child; she is not entitled to represent the child. The guardian of the child has, insofar as the mother has the care, the legal status of an assistant."

1697. "The mother is deprived of the parental control, if she contracts a new marriage. She retains, however, under the restrictions stated in sec. 1696, the right and duty to care for the person of the child."

SIXTH TITLE.

LEGAL STATUS OF ILLEGITIMATE CHILDREN.

1715. "The father is obliged to make good to the mother the expenses of the confinement as well as the costs of the maintenance for the first six weeks after the confinement, and in case that further expenses become necessary in consequence of the pregnancy or of the confinement, such expenses also. The mother can demand the usual amount of the expenses to be made good without regard to the actual outlay.

The mother is entitled to the claim also, if the father died before the birth of the child or if the child is still-born.

The claim is barred in four years. The limitation begins at the expiration of six weeks after the birth of the child."

SEVENTH TITLE.

LEGITIMATION OF ILLEGITIMATE CHILDREN.

II. Declaration of Legitimation.

1726. "The declaration of legitimation requires the assent of the child and, if the child has not completed the twenty-first year, the consent of the mother. If the father is married, he requires also the consent of his wife.

The consent shall be declared to the father or to the authority to which the application is to be made; it is irrevocable.

The consent of the mother is not required, if she is permanently unable to make a declaration, or if her abode is permanently unknown. The same is applicable to the consent of the wife of the father."

1727. "If the mother refuses the consent, it may upon application of the child be given by the Court of Guardianship, if the omission of the declaration of legitimation would result in considerable disadvantage to the child."

EIGHTH TITLE.

ADOPTION OF CHILD.

1744. "The adopter must have completed the fiftieth year and must be at least eighteen years older than the child."

THIRD DIVISION.

GUARDIANSHIP.

FIRST TITLE.

GUARDIANSHIP OF MINORS.

1. Instituting Guardianship.

1781. "As guardian shall not be appointed:

(1) A minor, or one who under sec. 1906 has been placed under temporary guardianship.
(2) One, to whom under sec. 1910, a curator has been appointed for the management of his property.
(3) One who is bankrupt during the period of his bankruptcy.
(4) One who has been declared to have forfeited the civil rights of honor (buergeliche Ehrenrechte) insofar as it is not otherwise provided in the Penal Code."

1783. "A woman, married to one other than the father of the ward, shall only be appointed guardian with consent of her husband."

1786. "Every German shall assume the guardianship for which he is chosen by the Court of Guardianship, unless one of the grounds stated in secs. 1780 to 1784 forbids his appointment as such."

V. Dispensation From Certain Duties of Guardianship.

1855. "If the legitimate mother names a guardian, she may make the same directions as the father under secs. 1852 to 1854."

1857. "The directions of the father or mother may be annulled by the Court of Guardianship, if they would imperil the interest of the ward."

VI. Family Council (Familienrath).

1858. "A family council shall be constituted by the Court of Guardianship, if the father or the legitimate mother of the ward has directed the appointment.

The father or the mother may make the appointment of the family council dependent on the occurrence or nonoccurrence of a certain event.

The appointment is not made, unless there is the required number of qualified persons."

1880. "The father of the ward may under sec. 1777 direct the discharge of the family council constituted by him, in case of the occurrence or nonoccurrence of a future event. The legitimate mother of the ward has the same right as to the family council constituted by her.

If this case occurs, the Court of Guardianship shall discharge the family council."

SECOND TITLE.

GUARDIANSHIP AS TO PERSONS OF THE AGE OF MAJORITY.

1898. "The father and the mother of the ward are not entitled to name a guardian, or to exclude anyone from the guardianship."

1900. "A wife may be appointed guardian of her husband without his consent.

The spouse of the ward may be appointed as guardian in preference to the parents and grandfathers, the legitimate mother may in the case of sec. 1702 be appointed guardian in preference to the grandfathers.

The illegitimate mother may be appointed guardian in preference to the grandfather."

1904. "If the legitimate mother of the ward is appointed guardian, sec. 1903 is an applicable to her as to the father. However a counter-guardian shall be appointed for her, if she asks for such appointment, or if the conditions exist, under which according to sec. 1687, No. 3, an assistant for her would have to be appointed. If a counter-guardian is appointed, the mother is not entitled to the dispensations set forth in sec. 1852."

SECOND DIVISION.

LEGAL STATUS OF THE HEIR.

SECOND TITLE.

LIABILITY OF THE HEIR FOR THE OBLIGATIONS OF THE ESTATE.

2008. "If the heir is a married woman, and if the inheritance belongs to the property brought in (to the marriage) or to the joint estate, the order setting the inventory limitation is effective only, if it is also made as to the husband. As long as limitation has not expired as to the husband, it does not expire as to the wife. The taking of the inventory by the husband avails the wife also.

If the inheritance belongs to the joint estate, these prescripts are also in force after the expiration of the community of property."

if this case occurs, the Court of Guardianship shall dis-
charge the Family Council."

SECOND TITLE.

GUARDIANSHIP AS TO PERSONS OF THE AGE OF MAJORITY.

1908. "The father and the mother of the ward are not en-
titled to have a guardian, or to exclude anyone from the guardian-
ship.

1909. "A wife may be appointed guardian of her husband without
his consent.

The spouse of the ward may be appointed as guardian in pref-
erence to the parents and grandparents. The legitimate mother may
in the case of sec. 1908 be appointed guardian in preference to the
stepfather.

The illegitimate mother may be appointed guardian in prefer-
ence to the grandfather."

1910. "If the legitimate mother of the ward is appointed
guardian, sec. 1909 is not applicable but as to the father.
However a counter-guardian shall be appointed for her, if she asks
for such appointment, or if the conditions exist, under which
according to sec. 1907, No. 2, an assistant for her would have to
be appointed. If a counter-guardian is appointed, the mother is
not entitled to the alternatives set forth in sec. 1908."

SECOND DIVISION.

LEGAL STATUS OF THE WIFE.

SECOND TITLE.

LIABILITY OF THE WIFE FOR THE OBLIGATIONS OF THE HUSBAND.

1909. "If the wife is a married woman, and if the husband
belongs to the property group in the community or to the
total estate, the order setting the voluntary limitation in effec-
tive only, if it is also made as to the husband. So long as limi-
tation has not existed as to the husband, it does not exist as
to the wife. The taking of the inventory by the husband avails
the wife also.

If the inheritance belongs to the joint estate, these pro-
visions are also in force after the existence of the community of
property."

THIRD DIVISION.

TESTAMENT.

FIRST TITLE.

GENERAL PROVISIONS.

2077. "A testamentary disposition, by which the testator has appointed his spouse, is of no effect, if the marriage is void, or if it has been dissolved before the death of the testator. It is equivalent to the dissolution of the marriage, if the testator at the time of his death was entitled to sue for divorce on account of the culpability of the spouse and had instituted the action for divorce or for revocation of the matrimonial community.

A testamentary disposition, by which the testator had appointed his betrothed is of no effect, if the betrothal was dissolved before the death of the testator.

The disposition is not ineffective, if it is to be assumed, that the testator would have also made it for such a case."

SEVENTH TITLE.

EXECUTION AND REVOCATION OF A TESTAMENT.

2234. "As judge, notary, court clerk or witness cannot act at the execution of the testament:

(1) The spouse of the testator, even though the marriage does not subsist any more.

(2) One, who is related by blood or marriage to the testator in a direct line or in the second degree of the collateral line."

EIGHTH TITLE.

MUTUAL TESTAMENT.

2265. "A mutual testament can only be executed by husband and wife."

FIFTH DIVISION.

COMPULSORY PORTION.

2333. "The testator may withhold the compulsory portion from a descendant:

(1) If the descendant compasses the death of the testator, of the spouse or of another descendant of the testator.

(2) If the descendant is guilty of an intentional bodily maltreatment of the testator or of the spouse of the testator, in the case of the maltreatment of the spouse only, if the descendant also descends from the latter.

(3) If the descendant is guilty of a crime or of a grave intentional offence towards the testator or the latter's spouse.

(4) If the descendant wilfully violates the legal duty of maintenance towards the testator.

(5) If the descendant against the will of the testator leads a dishonorable or immoral life."

2334. "The testater may withhold the compulsory portion from the father, if the latter is guilty of one of the offenses designated in sec. 2333, No. 1, 3, 4. The testator has the same right as to the mother, if she is guilty of such an offense."

APPENDIX.

INTRODUCTORY ACT TO THE CIVIL CODE.

FIRST DIVISION.

GENERAL PRESCRIPTS.

ARTICLE 13. "The contract of marriage, if but one of the betrothed is a German, is in respect to either of the betrothed judged according to the laws of the state to which he belongs. The same is applicable to foreigners who contract marriage in this country.

Respecting the wife of a foreigner adjudged dead under article 9, paragraph 3, the contract of marriage is judged according to German laws.

The form of a marriage concluded in this country is determined exclusively according to the German laws."

ARTICLE 14. "The personal legal relations of German spouses to each other are adjudged according to German law, even though the spouses have their domicil in a foreign country.

The German laws are also applicable if the husband has lost his German nationality and if the wife has retained it."

SECOND DIVISION.

RELATION OF THE CIVIL CODE TO THE LAWS OF THE EMPIRE.

ARTICLE 36. "The Industrial Act is amended as follows:

I. sec. 11, par. 2, is repealed; at sec. 11a the following provisions are inserted:

If a married woman, whose property rights are governed by foreign laws, carries on a trade on her own account in this country, the fact that she is married does not affect her business acts in matters concerning the trade.

So far as the wife under the status of property is restricted as to the disposition of her property, the provisions of sec. 1405 of the Civil Code shall apply. If the wife has not her domicil in this country, the protest of the husband against the carrying on of

the trade and the revocation of the given assent are to be entered in the Register of Property Rights of the district, in which the trade is carried on.

If the wife carries on the trade with consent of the husband, or if the consent is under sec. 1405, par. 2, regarded as given, the property of the wife is liable for her obligations arising out of the trade, without regard to the rights of the husband by reason of the status of property; in the case of a matrimonial community of property, the joint property is also liable."

FOURTH DIVISION.

PRESCRIPTS RELATING TO TRANSITION.

ARTICLE 198. "The validity of a marriage, contracted before the Civil Code takes effect, is governed by former laws.

A marriage void or invalid under the former laws is to be deemed as valid ab initio if the spouses at the time, when the Civil Code takes effect, are still living together as husband and wife, and if the ground, upon which the invalidity of nullity is founded, would not under the provisions of the Civil Code result in the nullity or voidability of the marriage or would have lost this effect. The period fixed in the Civil Code for the contestation does not begin before the Civil Code takes effect.

The adjudication of the invalidity of a marriage under the former laws is equivalent to the adjudication under the Civil Code."

ARTICLE 200. "As to the status of property of a marriage existing at the time, when the Civil Code went into effect, the former laws shall govern. This is especially the case as to the provisions concerning the effects of the property-status on the inheritance and as to the French and Baden laws, governing the proceeding as to the separation of the property of spouses.

A regulation of the property-status, admissible under the provisions of the Civil Code, may also be made by marriage contract, if under the former laws a marriage contract would be inadmissible.

Insofar as the competence of the wife under the laws governing the former property-status is restricted in consequence of the property-status or of the marriage, such restriction remains in force as long as the former property-status exists."

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THE CIVIL CODE OF SPAIN

WITH

PHILIPPINE NOTES AND REFERENCES

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CIVIL CODE

PRELIMINARY TITLE.

LAWS, THEIR EFFECT, AND GENERAL RULES FOR THEIR APPLICATION.

ART. 15. "Family rights and duties, those relating to the status, condition, and legal capacity of persons, and the rules of testate and intestate succession established in this code, are applicable.

3. In any case, the wife shall follow the condition of the husband; and children, not emancipated, that of their father, or, in his default, that of their mother."

BOOK FIRST.

TITLE IV.

MARRIAGE

CHAPTER I.

GENERAL PROVISIONS

SECTION I. Forms of Marriage.

ART. 44. "If the promise has been made in a public or private instrument by an adult, or by a minor with the concurrence of the person whose consent is necessary for the celebration of the marriage, or if the banns have been published, the one who without just cause refuses to marry shall be obliged to reimburse the other for the expenses which he or she may have incurred by reason of the promised marriage."

ART. 45. "Marriage is forbidden:

1. Any minor who has not obtained the permission and to any adult who has not requested the advice of the persons whose right it is to give such permission or advice in the cases provided by law.

2. The widow during the three hundred and one days following the death of her husband, or before parturition if she should have been left pregnant, and under the same conditions and for the same periods, to be computed from the date of her legal separation, to any woman whose marriage has been declared void.

3. The guardian and his or her descendants with respect to the person whom such guardian may have or may have had under charge, until the guardianship has terminated and the accounts of the same have been approved, except in cases in which the father of the person subject to guardianship has authorized the marriage by will or in a public instrument."

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ART. 46. "The permission referred to in paragraph one of the next preceding article must be granted legitimate children by the father; in his default or when he is disqualified to give such permission, the power to grant it devolves, successively upon the mother, the paternal and maternal grandparents, and, in default of all of them, upon the family council.

Other legitimate children shall obtain the consent of their mother, when she is lawfully known, that of the maternal grandparents in the same case, and, in the default of all of them, that of the family council."

ART. 47. "Adult children are obliged to ask the advice of their father, or, in his default, that of their mother. If the advice is not given, or if it should be unfavorable, the marriage cannot take place until three months after the advice is requested."

ART. 50. "If, notwithstanding the prohibitions established by Article 45, any of the persons falling within its terms shall marry, such marriage shall be valid; but the contracting parties, without prejudice to the application of the provisions of the Penal Code, shall be subject to the following rules:

1. The marriage shall be deemed to have been entered into with entire separation of property. Each spouse shall retain the ownership and control of his or her property and shall receive the entire income therefrom, subject to the obligation of contributing proportionately to the payment of the expenses of the matrimonial regime.
2. Neither of the spouses shall receive anything from the other by gift or will.
3. If one of the spouses is a minor, not emancipated, he or she shall not administer his or her property until attaining majority. In the meantime he or she shall be entitled only to support, which shall not exceed the net income from his or her property.
4. In cases falling under paragraph 3 of Article 45, the guardian shall, furthermore, lose the administration of the property of the ward during her minority."

ART. 51. "Civil or canonical marriage shall produce no civil effects when either of the spouses is already legally married."

SECTION IV. Rights and Obligations of Husband and Wife.

ART. 56. "The spouses are obliged to live together, to be faithful to and mutually assist each other.

2. The rights and obligations of spouses are now governed by the Spanish Marriage Law of 1870, Sees. 44 to 55 (56 to 78 having been repealed by the Civil Code) and by the Civil Code, Ebree v. Sichon, 4 Phil. 705; Goitia v. Campos Rueda, 35 Phil, 252.
3. The courts cannot compel a wife to live with her husband. Arroyo v. Vazquez, 42 Phil. 61,"

ART. 57. "The husband must protect the wife and the latter obey the husband."

ART. 58. "The wife is obliged to follow her husband whenever he may establish his residence. The courts, nevertheless, may, for just cause, exempt her from this obligation when her husband goes to the ultramarine colonies or to a foreign country.

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ART. 47. "Adult children are obliged to ask the advice of their father, or, in his default, that of their mother. If the advice is not given, or if it should be unfavorable, the marriage cannot take place until three months after the advice is requested."

ART. 48. "It, notwithstanding the prohibitions established by Article 45, any of the persons failing within its terms shall marry, such marriage shall be valid; but the contracting parties, without prejudice to the application of the provisions of the Penal Code, shall be subject to the following rules:

1. The marriage shall be deemed to have been entered into with entire separation of property. Each spouse shall retain the ownership and control of his or her property and shall receive the entire income therefrom, subject to the obligation of contributing proportionately to the support of the expenses of the matrimonial regime.

2. Neither of the spouses shall receive anything from the other by gift or will.

3. If one of the spouses is a minor, not emancipated, he or she shall not administer his or her property, until attaining majority. In the meantime he or she shall be entitled only to support, which shall not exceed the net income from his or her property.

4. In cases falling under paragraph 3 of Article 45, the guardian shall, furthermore, lose the administration of the property of the ward during her minority."

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3. The courts cannot compel a wife to live with her husband. Arroyo v. Vanderpuy, 42 Phil. 81."

ART. 57. "The husband must protect the wife and the latter obey the husband."

ART. 58. "The wife is obliged to follow her husband wherever he may establish his residence. The courts, nevertheless, may, for just cause, exempt her from this obligation when her husband goes to the ultramarine colonies or to a foreign country."

2. The wife is in duty bound to follow the domicile of her husband. Yanez de Barnuevo v. Fuster, 29 Phil. 606."

ART. 59. "The husband is the administrator of the property of the conjugal partnership in the absence of a stipulation to the contrary and subject to the provisions of article 1384.

If he is under eighteen years of age he cannot administer without the consent of his father, or, in default of the latter, that of the mother, or both failing, without that of his guardian, or be a party to any judicial proceedings without being joined with such persons."

ART. 60. "The husband is the representative of the wife. The latter cannot, without his permission, appear in any judicial proceeding in person or by attorney.

Nevertheless she shall not require such permission to defend herself in a criminal proceeding, or to commence an action against her husband or defend herself in any action brought against her by him, or when she has been authorized to become a party to a suit in accordance with the provisions of the law of Civil Procedure.

3. A wife cannot mortgage her paraphernal property without a special power from her husband. Mercado v. Tan Lingco, 34 Phil. 793."

ART. 61. "Neither may the wife, without the permission of her husband, or a power of attorney from him, acquire property for a good or valuable consideration, alienate her property, or contract obligations except in the cases and with the limitations established by law."

ART. 62. "Anything done by the wife contrary to the provisions of the preceding articles is void, except that purchases by her of things which by their nature are to be applied to the ordinary use of the family shall be valid. Purchases of jewels, furniture, and expensive things made without the permission of the husband shall be validated only in case the latter shall have consented to the use and enjoyment of such things by his wife."

ART. 63. "The wife, without permission of her husband, may:

1. Execute a will.
2. Exercise the rights and perform the duties which appertain to her in respect to any legitimate children or acknowledged natural children she may have had by another, and in respect to the property of such children."

ART. 64. "The wife shall share the honors of her husband, except those which are strictly and exclusively personal, and shall retain them as long as she does not contract a new marriage."

ART. 65. "Only the husband and his heirs may take action to avoid acts done by the wife without proper permission or authorization."

SECTION V. Effects of Annulment of Marriage and of Divorce.

ART. 68. "After the complaints mentioned in the next preceding article have been presented and permission to file the same has been obtained, the following measures shall be adopted during the pendency of the suit:

2. The wife is in duty bound to follow the domicile of her husband. Ibarra de Barranco v. Tuason, 39 Phil. 660."

ART. 59. "The husband is the administrator of the property of the conjugal partnership in the absence of a stipulation to the contrary and subject to the provisions of article 1384.

It be is under eighteen years of age he cannot administer without the consent of his father, or, in default of the latter, that of the mother, or both failing, without that of his guardian, or be a party to any judicial proceedings without being joined with such persons."

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Nevertheless she shall not require such permission to defend herself in a criminal proceeding, or to commence an action against her husband or defend herself in any action brought against her by him, or when she has been authorized to secure a policy to a suitable, or when she has been authorized to secure a policy to a suitable in accordance with the provisions of the law of Civil Procedure.

3. A wife cannot mortgage her paraphernal property without a special power from her husband. Mojonado v. The Lingco, 34 Phil. 793."

ART. 61. "Neither may the wife, without the permission of her husband, or a power of attorney from him, acquire property by a mode or valuable consideration, alienate it, [illegible], or compromise on the same, or bind herself for others, or appear in their behalf in any of these obligations except in the case and with the limitations established by law."

ART. 62. "Anything done by the wife contrary to the provisions of the preceding articles is void, except that purchases by her of things which by their nature are to be applied to the ordinary use of the family shall be valid. Purchases of jewels, furniture, and expensive things made without the permission of the husband shall be validated only in case the latter shall have consented to the use and enjoyment of such things by his wife."

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1. Exercise a will.

2. Exercise the rights and perform the duties which or-dinarily pertain to her in respect to any legitimate children or acknowledged natural children she may have had by another, and in regard to the property of such children."

ART. 64. "The wife shall share the honors of her husband, except those which are strictly and exclusively personal, and shall retain them as long as she does not contract a new marriage."

ART. 65. "Only the husband and his heirs may take action to avoid acts done by the wife without proper permission or authorization."

SECTION 5. Effects of Annulment of Marriage and of Divorce.

ART. 66. "After the compliance mentioned in the next preceding article have been observed and termination to file the same has been obtained, the following measures shall be adopted during the pendency of the suit

1. The spouses in every case shall be separated.
2. The wife shall be placed under protection in the cases and in the manner prescribed by the law of Civil Procedure.
3. The children shall be placed under the care of one or both of the spouses as may be proper.
4. Provision shall be made for the support of the wife and that of such of the children as do not remain in the care of the father.
5. Such measures shall be adopted as shall be necessary to prevent the husband, if he shall have given cause for the divorce or if the suit for the annulment of the marriage has been instituted against him, from injuring the wife by his administration of her property."

ART. 70. "After final judgment declaring the marriage to be void, if both parties thereto have acted in good faith, the father shall have the custody of the male children over three years of age and the mother that of the daughters.

If there was good faith on the part of one only of the spouses such spouse shall have the custody of the children of both sexes.

If both were guilty of bad faith, the court, in accordance with the provisions of the second subdivision of paragraph two of Article 73, shall determine what disposition is to be made of the children. The children of both sexes under three years of age shall in all cases be left in the care of the mother until they attain that age unless, for some special reason, the judgment provides otherwise."

ART. 72. "The final decree of annulment of marriage shall produce the same effects with regard to the property of the parties as a dissolution of marriage by death; but the spouse who has acted in bad faith shall have no right to participate in the profits of the conjugal partnership.

If both parties have been guilty of bad faith the bad faith of each shall be set off by that of the other."

ART. 73. "A decree of divorce shall produce the following effects:

1. The separation of the spouses.
2. The children shall remain or be placed under the authority and protection of the innocent spouse.

When both are guilty, a guardian shall be provided for the children in accordance with the provisions of this code. Nevertheless, unless the decree has otherwise provided, the mother in every case shall have the custody of the children under three years of age.

Upon the death of the innocent spouse, the guilty spouse shall recover the parental authority and the rights pertaining thereto, if the divorce shall have been granted for adultery, personal violence, or grossly abusive language; otherwise a guardian shall be appointed for the children. The deprivation of parental authority and of the rights pertaining thereto does not exempt the guilty spouse from the performance of the obligations which this code imposes upon him or her in respect to the children.

3. The guilty spouse shall forfeit anything which shall have been given or promised him or her by the innocent spouse or by any other person out of regard for the latter.

The innocent spouse shall be entitled to retain anything which he or she may have received from the guilty spouse and shall, furthermore, be entitled to receive anything which the latter may have promised him or her.

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4. "The property of the conjugal partnership shall be separated and the husband, if he be the guilty party, shall be deprived of the administration of the wife's property, if it should have been administered by him theretofore.

5. If the husband be the innocent party and should have been administering the wife's property, he shall retain such administration and the wife shall be entitled only to an allowance for her support."

ART. 74. "The reconciliation of the parties shall terminate the divorce suit, or, if judgment has been rendered, shall thenceforth divest such judgment of any force or effect; but it shall be the duty of the parties to report such reconciliation to the court before which the suit is pending or by which it was decided.

Notwithstanding the provisions of the next preceding paragraph the judgment with respect to the children, shall not be affected if the ground thereof be the connivance of the husband or wife at the corruption of the sons or the prostitution of the daughters of the parties, or an attempt to corrupt or prostitute the same, in which case, if such children are still subject to parental authority, the court shall adopt such measures as may be necessary in order to protect them from such corruption or prostitution."

CHAPTER II.

CANONICAL MARRIAGE.

ART. 76. "Canonical marriage shall produce all the civil effects of marriage in respect to the persons and property of the spouses and their descendants."

CHAPTER III.

CIVIL MARRIAGE.

SECTION I. Capacity of the Contracting Parties.

ART. 83. "The following cannot contract marriage:

1. Males under the age of fourteen and females under the age of twelve.

Marriage contracted by persons who have not arrived at the age of puberty, shall, nevertheless, be, ipso facto validated, without the necessity of an express declaration, if after having attained the legal age of puberty they should have lived together for one day without having commenced judicial proceedings to have the marriage declared invalid or if the woman should have conceived before the legal age of puberty or before the institution of said suit.

2. Those who are not in the full enjoyment of their reason at the time of contracting marriage.

3. Any person who, prior to the celebration of the marriage, was physically impotent, either absolutely or relatively, for the purposes of procreation, if such impotence be manifest, permanent and incurable.

4. Any person ordained in sacris or any member of a canonically approved religious order bound by a solemn pledge of chastity, unless such person shall have obtained the proper canonical dispensation.

5. Any person already married."

ART. 84. "Neither can the following contract marriage with each other:

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6. "The property of the deceased partnership shall be separated and the husband, if he be the guilty party, shall be deprived of the administration of the wife's property, if it should have been administered by him heretofore.

7. If the husband be the innocent party and should have administered the wife's property, he shall retain such administration and the wife shall be entitled only to an allowance for her support."

ART. 94. "The reconciliation of the parties shall terminate the divorce suit, or, if judgment has been rendered, shall thereafter divest such judgment of any force or effect; but it shall be the duty of the parties to report such reconciliation to the court before which the suit is pending or by which it was decided.

Notwithstanding the provisions of the next preceding paragraph the judgment with respect to the children, shall not be affected if the divorce decreed be the conclusive of the husband or wife at the commission of the acts or the irregularities of the conclusive of the parties, or at attempt to commit or prostitute the same. In which case, if such children are still subject to parental authority, the court shall adopt such measures as may be necessary in order to protect them from such corruption or prostitution."

CHAPTER II.

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ART. 95. "Canonical marriage shall produce all the civil effects of marriage in respect to the persons and property of the spouses and their descendants."

CHAPTER III.

CIVIL MARRIAGE.

SECTION I. Capacity of the Contracting Parties.

ART. 96. "The following cannot contract marriage:

1. Males under the age of fourteen and females under the age of twelve.

Marriage contracted by persons who have not arrived at the age of puberty, shall, nevertheless, be, ipso facto validated, without the necessity of an express declaration, if after having attained the legal age of puberty, they should have lived together for one day without having commenced judicial proceedings for the nullity of such marriage.

2. Those who are not in the full enjoyment of their reason at the time of contracting marriage.

3. Any person who, prior to the celebration of the marriage, was physically incapacity, either absolutely or relatively, for the purposes of procreation, if such impotence be habitual, incurable and insurable.

4. Any person related in the ascending or descending direct or collateral relations even beyond the third degree of consanguinity, unless such person shall have obtained the legal dispensation.

5. Any person already married.

ART. 97. "Neither can the following persons contract marriage with each other:

1. Ascendants and descendants by legitimate or natural consanguinity or affinity.
2. Collaterals by legitimate consanguinity up to the fourth degree.
3. Collaterals by legitimate affinity up to the fourth degree.
4. Collaterals by natural consanguinity or affinity up to the second degree.
5. The adoptive father or mother and the person adopted; the latter and the surviving spouse of the former, and the former and the surviving spouse of the latter.
6. The legitimate descendants of the adoptive parent with the person adopted, while the adoption lasts.
7. Adulterers who have been condemned by a final judgment.
8. Persons who have been convicted as principals, or as principal and accomplice, for killing the husband or wife of either."

SECTION II. Celebration of Marriage.

ART. 86. "Those who, in accordance with Article 42, desire to contract marriage in the manner determined in this code, shall present to the municipal judge of their domicile a declaration signed by both contracting parties, in which shall be stated:

1. The name, surname, age, occupation, domicile or residence of each of the contracting parties.
2. The names, surnames, profession, domicile or residence of their parents.

Certificates of birth and of the status of the contracting parties, the proof of consent or advice, if required, and the dispensation, when it is necessary, shall accompany this declaration."

ART. 93. "Notwithstanding the provisions of the preceding articles, the municipal judge shall perform the marriage ceremony for any person who is in imminent danger of death, whether he or she is domiciled in the place or is a transient.

This marriage shall be considered conditional until the previous freedom of the contracting parties shall be legally established."

SECTION III. Annulment of Marriage.

ART. 101. "The following marriages are void:

3. The marriage of the abductor to the woman abducted while she is in his power."

ART. 102. "Actions for the annulment of marriage may be brought by either of the parties to the marriage, by the prosecuting officer, or by any person having an interest in procuring its annulment.

Actions for annulment of marriage on the ground of abduction, error, force or intimidation are excepted from this rule. Such actions may be brought only by the party to whom the circumstances mentioned, or either of them, apply.

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The action for annulment of marriage on the ground of impotence is also excepted and can be brought only by the husband or wife or by some other person having an interest in securing its annulment.

The action lapses and the marriage becomes valid, in the respective cases, if the parties have continued to live together for six months after the error has been dissipated, or after the force or cause of the fear has ceased, or if the woman abducted shall not have commenced proceedings for the annulment of the marriage within the same period after having recovered her liberty."

SECTION IV. Divorce.

ART. 105. "The legal grounds for divorce are:

1. The adultery of the wife in every case, and of the husband when public scandal or disgrace to the wife results therefrom.
2. Personal violence, or grossly abusive or insulting language or conduct.
3. Violence inflicted by the husband upon the wife in order to force her to change her religion.
4. The proposal of the husband to prostitute his wife.
5. The attempt of the husband or wife to corrupt their sons or to prostitute their daughters, and connivance at their corruption or prostitution.
6. The sentence of the husband or wife to the penalties of cadena perpetua or reclusion perpetua."

ART. 106. "The innocent spouse only can bring the action for divorce."

TITLE V.

PATERNITY AND FILIATION.

CHAPTER I.

LEGITIMATE CHILDREN.

ART. 109. "A child shall be presumed to be legitimate, even though the mother should have declared it to be illegitimate or should have been convicted of adultery."

ART. 110. "A child born within the one hundred and eighty days next following that of the celebration of the marriage shall be presumed to be legitimate if any of the following circumstances exist:

1. If the husband knew, before the marriage, that his wife was pregnant.
2. If he, being present, allowed the child born of his wife to be given his surname in the birth certificate.
3. If he has expressly or tacitly acknowledged the child as his own."

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The action for annulment of marriage on the ground of impotence is also accepted and can be brought only by the husband or wife or by some other person having an interest in securing the annulment.

The action lapses and the marriage becomes valid, in the respective cases, if the parties have continued to live together for six months after the error has been discovered, or after the force or cause of the fear has ceased, or if the woman abducted shall not have commenced proceedings for the annulment of the marriage within the same period after having recovered her liberty."

SECTION IV. Divorce.

ART. 105. "The legal grounds for divorce are:

1. The adultery of the wife in every case, and of the husband when public scandal or disgrace to the wife results therefrom.
2. Personal violence, or grossly insulting or insulting language or conduct.
3. Violence inflicted by the husband upon the wife or order to force her to change her religion.
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PATERNITY AND FILIATION.

CHAPTER I.

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ART. 107. "A child shall be presumed to be legitimate, even though the mother should have declared it to be illegitimate or should have been convicted of adultery."

ART. 108. "A child born within the one hundred and eighty days next following that of the celebration of the marriage shall be presumed to be legitimate if any of the following circumstances exist:

1. If the husband knew, before the marriage, that his wife was pregnant.
2. If he, being present, allowed the child born of his wife to be given his surname in the birth certificate.
3. If he has expressly or tacitly acknowledged the child as his own."

CHAPTER III.

LEGITIMATED CHILDREN.

ART. 126. "Legitimation by royal concession may also be obtained by a child whose deceased father or mother has expressed in his or her will or in a public instrument a wish to legitimate it, provided the condition established by paragraph 3 of the next preceding article exists."

ART. 127. "Legitimation by royal concession entitled the legitimated child:

1. To bear the surname of the father or mother who requested such legitimation.
2. To receive support from the same in accordance with Article 143.
3. To the hereditary portion established by this Code."

CHAPTER IV.

ILLEGITIMATE CHILDREN.

SECTION I. Acknowledgment of Natural Children.

ART. 129. "A natural child may be acknowledged by the father and mother jointly or by either of them alone."

ART. 136. "The mother may be compelled to acknowledge her natural child:

1. When the child is, with respect to the mother, included in any of the cases mentioned in the next preceding article.
2. When the fact of the birth and the identity of the child are fully proven."

ART. 137. "Actions for the acknowledgment of natural children may be commenced only during the lifetime of the putative parents except in the following cases:

1. If the father or mother died during the minority of the child, in which case the latter may commence the action within the four years next following the attainment of its majority.
2. If, after the death of the father or mother, some document, before unknown, should be discovered in which the child is expressly acknowledged.

In this case the action must be commenced within the six months next following the discovery of such document."

SECTION II. Other Illegitimate Children.

ART. 140. "The right to support, referred to in the preceding article, can be claimed only:

1. If the paternity or maternity is established by a final judgment rendered in a criminal or civil action.
2. If the paternity or maternity is shown by some document unquestionably executed by the father or mother, in which the filiation is expressly acknowledged.
3. With regard to the mother, if the fact of the birth and the identity of the child are fully proven."

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CHAPTER III.

LEGITIMATED CHILDREN.

ART. 124. "Legitimation by royal concession may also be obtained by a child whose deceased father or mother has expressed in his or her will or in a public instrument a wish to legitimate it, provided the condition established by paragraph 2 of the next preceding article exists."

ART. 125. "Legitimation by royal concession entitles the legitimated child:

1. To bear the surname of the father or mother who requested such legitimation.
2. To receive support from the same in accordance with Article 142.
3. To the hereditary portion established by this Code."

CHAPTER IV.

ILLEGITIMATE CHILDREN.

SECTION I. Acknowledgment of Natural Children.

ART. 126. "A natural child may be acknowledged by the father and mother jointly or by either of them alone."

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2. When the fact of the birth and the identity of the child are fully proven."

ART. 128. "Actions for the acknowledgment of natural children may be commenced only during the lifetime of the putative parents except in the following cases:

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2. If, after the death of the father or mother, some document, before unknown, should be discovered in which the child is expressly acknowledged.

In this case the action must be commenced within the six months next following the discovery of such document."

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1. If the paternity or maternity is established by a final judgment rendered in a criminal or civil action.
2. If the paternity or maternity is shown by some document unquestionably executed by the father or mother, in which the filiation is expressly acknowledged.
3. With regard to the mother, if the fact of the birth and the identity of the child are fully proven."

TITLE VI.

THE SUPPORT OF RELATIONS.

ART. 142. "By support is understood all that is indispensable for food, shelter, clothing and medical attendance, according to the social standing of the family.

Support also includes the education of the person receiving it, when he or she is a minor."

ART. 143. "The following are bound to support each other to the full extent of the term as defined by the next preceding article:

1. Husband and wife.
2. Legitimate ascendants and descendants.
3. Parents and children legitimated by royal concession and the legitimate descendants of the latter.
4. Parents and acknowledged natural children, and the legitimate descendants of the latter.

Parents and illegitimate children not having the legal status of natural children owe each other by way of support all the help necessary for their subsistence. Such parents are, furthermore, bound to defray the expenses necessary to give such children an elementary education and instruction in some profession, art or trade.

Brothers and sisters, even if only of the half blood, owe each other the assistance necessary for a living, when by reason of some physical or mental defect or any other cause not chargeable to the recipient, he or she may be unable to earn a livelihood. Such assistance shall include, when necessary, the payment of the expenses absolutely necessary to give the recipient of the assistance an elementary education and instruction in some profession, art, or trade."

ART. 144. "When there are two or more persons liable for the support of another the demand shall be made in the following order:

1. Upon the husband or wife.
2. Upon the descendants in the nearest degree.
3. Upon the ascendants also in the nearest degree.
4. Upon the brothers and sisters.

Between descendants and ascendants the graduation shall be regulated by the order in which they are called to the legal succession of the person entitled to support."

TITLE VII.

PARENTAL AUTHORITY.

CHAPTER I.

GENERAL PROVISIONS.

ART. 154. "The father or, in his default, the mother may exercise parental power over their unemancipated legitimate children; and children are bound to obey their parents while subject to such authority and at all times to treat them with respect and reverence.

TITLE VI.

THE DUTY OF RELATIVES.

ART. 142. "By support is understood all that is indispensable for food, shelter, clothing and medical attendance, according to the social standing of the family.

Support also includes the education of the person receiving it, when he or she is a minor."

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1. Husband and wife.
2. Legitimate ascendants and descendants.
3. Parents and children legitimated by royal concession and the legitimate descendants of the latter.
4. Parents and acknowledged natural children, and the legitimate descendants of the latter.

Parents and illegitimate children not having the legal status of natural children owe each other by way of support all the help necessary for their subsistence. Such parents are, furthermore, bound to defray the expenses necessary to give each children an elementary education and instruction in some profession, art or trade.

Brothers and sisters, even if only of the half blood, owe each other the assistance necessary for a living, when by reason of some physical or mental defect or any other cause not chargeable to the recipient, he or she may be unable to earn a livelihood. Such assistance shall include, when necessary, the payment of the expense absolutely necessary to give the recipient of the assistance an elementary education and instruction in some profession, art, or trade."

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ART. 154. "The father or, in his default, the mother may exercise parental power over their unemancipated legitimate children and children are bound to obey their parents while subject to such authority and at all times to treat them with respect and reverence.

Acknowledged natural children and adopted minors are subject to the authority of the father or mother who acknowledges or adopts them and are subject to the obligations mentioned in the next preceding paragraph."

CHAPTER II.

EFFECTS OF PARENTAL AUTHORITY WITH RESPECT TO THE PERSONS OF THE CHILDREN.

ART. 155. "The father, and, in his default, the mother shall have with respect to their unemancipated children:

1. The duty of supporting them, keeping them in their company, educating them and instructing them in proportion to their means, and representing them in the exercise of all actions which may contribute to their benefit; and
2. The right to correct and punish them in moderation."

ART. 156. "The father or, in his default, the mother shall be entitled to call upon the executive authorities for aid in enforcing the parental authority over their unemancipated children, either in the home or by confining such children in educational establishments or other institutions lawfully authorized to receive them.

They may also require the municipal judge to order the confinement of such children for a period of not more than one month in any correctional institution available for this purpose; the order of the father, or mother, approved by the municipal judge, shall be sufficient authority for such confinement."

ART. 158. "The father and, in his default, the mother, shall pay for the support of the child while in confinement. They shall have no right to interfere in the management of the institution in which he is confined, but may have him released whenever they deem proper."

CHAPTER III.

EFFECT OF PARENTAL AUTHORITY IN RESPECT TO THE PROPERTY OF THE CHILDREN.

ART. 159. "The father or, in his default, the mother, shall be the legal administrator of the property of children who are subject to parental authority."

ART. 162. "Any property or income donated or left by will to an unemancipated child for the purpose of defraying the expenses of his education shall belong to him in ownership and usufruct; but the father or the mother shall have the management thereof unless otherwise provided in the donation or bequest, in which case the will of the donor shall be strictly complied with."

ART. 164. "The father, or the mother, as the case may be, shall not be empowered to alienate any real property belonging to their children on which they are entitled to the usufruct or administration nor encumber such property except upon proof of the utility or necessity of such alienation or encumbrance and after obtaining authority to that end from the judge of their domicile, to be granted after hearing the opinion of the prosecuting officer, subject, however, to the provisions of the Mortgage Law with respect to the effects of the transfers of property."

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CHAPTER II.

RIGHTS OF PARENTAL AUTHORITY WITH RESPECT TO THE

PERSONS OF THE CHILDREN.

ART. 125. "The father, and, in his default, the mother shall have with respect to their unemancipated children:

1. The duty of supporting them, keeping them in their company, educating them and instructing them in preparation to their duties, and performing them in the exercise of all actions which may contribute to their benefit; and

2. The right to correct and punish them in moderation."

ART. 126. "The father or, in his default, the mother shall be entitled to call upon the executive authority for aid in correcting the parental authority over their unemancipated children, either in the home or by confining such children in educational establishments or other institutions lawfully authorized to receive them.

They may also require the municipal judge to order the confinement of such children for a period of not more than one month in any correctional institution suitable for this purpose; the order of the father, or mother, approved by the municipal judge, shall be sufficient authority for such confinement."

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ART. 134. "The father, or the mother, as the case may be, shall not be interested in alienate any real property belonging to their children on which they are entitled to the usufruct or administration nor encumber such property except upon proof of the utility or necessity of such alienation or encumbrance and after obtaining authority to that end from the Judge of their domicile, to be granted after hearing the opinion of the fiscal-civil officer, and, however, to the limitations of the Mortgage Law with respect to the effects of the transfers of property."

CHAPTER IV.

MEANS BY WHICH PARENTAL AUTHORITY IS TERMINATED.

ART. 168. "The mother who contracts a second marriage loses her parental authority over her children unless her deceased husband, the father of such children, should have expressly provided in his will that in case his widow should remarry she was to retain and continue to exercise parental authority over his children."

ART. 169. "The father or, as the case may be, the mother, shall lose authority over his or her children:

1. When a final judgment in a criminal case the penalty imposed on such parent consists in part in the deprivation of such right.
2. When so provided by a final judgment in a divorce case, as long as such judgment shall continue to be in force."

ART. 170. "Whenever the father, or the mother, as the case may be, shall have been judicially declared to be disqualified or to be an absentee, the right of such person to exercise parental authority shall be suspended; the same effect shall follow the imposition of the penalty of civil interdiction."

ART. 172. "If the widowed mother who has remarried again becomes a widow, she shall thereupon recover her parental authority over all her unemancipated children."

CHAPTER V.

ADOPTION.

ART. 174. "Adoption is forbidden:

1. To clergymen.
2. To those having legitimate or legitimated descendants.
3. To the guardian with respect to his ward, until his accounts have been finally approved.
4. To either spouse without the consent of the other. A husband and wife may jointly adopt another person and, with this exception, no one may be adopted by more than one person."

TITLE VIII.

ABSENCE.

CHAPTER III.

ADMINISTRATION OF THE PROPERTY OF THE ABSENTEE.

ART. 188. "The wife of the absentee, if of age, may freely dispose of any property belonging to her, but may not alienate, exchange, or mortgage the property of her husband, nor that of the conjugal partnership without judicial authority."

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CHAPTER IV.

RIGHTS BY WHICH MARITAL AUTHORITY IS TERMINATED.

ART. 190. "The mother who contracts a second marriage loses her parental authority over her children unless her deceased husband, the father of such children, should have expressly provided in his will that in case his widow should remarry she was to retain and continue to exercise parental authority over his children."

ART. 191. "The father or, in the case may be, the mother,

shall lose authority over his or her children:

1. When a final judgment in a criminal case the penalty imposed on such latter conveys in fact in the deprivation of such right.

2. When so treated by a final judgment in a divorce case, as long as such judgment shall continue to be in force."

ART. 192. "Whenever the father, or the mother, as the case may be, shall have been judicially declared to be disqualified or to be an absentee, the right of such person to exercise parental authority shall be suspended; the same effect shall follow the loss of the quality of civil interdiction."

ART. 193. "If the widowed mother who has remarried again becomes a widow, she shall thereupon recover her parental authority over all her unemancipated children."

CHAPTER V.

ADOPTION.

ART. 194. "Adoption is forbidden,

1. To clergymen.
2. To those having illegitimate or legitimated descendants.
3. To the guardian with respect to his ward, until his accounts have been finally approved.
4. To either spouse without the consent of the other. A divorced man wife may, during each former marriage, with this exception, no one may be adopted by more than one person."

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ABSENCE.

CHAPTER III.

ADMINISTRATION OF THE PROPERTY OF THE ABSENTEE.

ART. 180. "The wife of the absentee, if of age, may freely dispose of any property belonging to her, but may not alienate, encumber, or mortgage the property of her husband, nor that of the conjugal partnership without judicial authority."

TITLE IX.

GUARDIANSHIP.

CHAPTER II.

TESTAMENTARY GUARDIANSHIP.

ART. 206. "The father may appoint a guardian and a protutor for his minor children or for incapacitated children of age whether they be legitimate or acknowledged natural children, or other illegitimate children whom, in accordance with the provisions of Article 139, he is obliged to support.

The mother has like powers; but if she has contracted a second marriage, the appointment by her of a guardian for the children of her first marriage shall not be effective without the approval of the family council.

No person subject to the parental authority of another may hold the office of guardian or protutor."

CHAPTER III.

LEGAL GUARDIANSHIP.

SECTION II. Guardianship of Insane Persons and Deaf-Mutes.

ART. 213. "No guardian shall be appointed for any insane or demented person or deaf-mute of full age without a prior judicial determination of the fact that such person is incapable of managing his affairs."

ART. 214. "Such declaration may be obtained upon the petition of the husband or wife of the presumptive incapable or of such of his relatives as would be entitled to succeed him ab intestato."

ART. 220. "The guardianship of insane persons and deaf-mutes pertains:

1. To the husband or wife of such person, if there has not been a legal separation.
2. To the father or, in his default, the mother.
3. To the children.
4. To the grandparents.
5. To the brothers or unmarried sisters, subject to the preference in favor of the whole blood established by paragraph 4 of Article 211.

If there be several children or brothers and sisters, males shall be preferred to females and older persons to younger.

When there are paternal and maternal grandparents the males shall be preferred or, in case such persons are of the same sex, the preference shall be in favor of those of the paternal line."

SECTION III. Guardianship of Prodigals.

ART. 225. "The guardian shall manage any property belonging to the children the prodigal may have had by a former marriage.

The wife shall manage her dotal and paraphernal property, the property of the children had by the prodigal, and that of the conjugal partnership, but cannot sell such property without the authorization of the court."

ART. 227. "The guardianship of the prodigal belongs:

1. To the father, or, in his default, to the mother.
2. To the paternal and maternal grandparents.
3. To the eldest of the emancipated male children."

SECTION IV. Guardianship of Persons under Interdiction.

ART. 229. "Such guardianship shall be limited to the management of the property and to the representation in legal proceedings of the person under interdiction.

It shall furthermore be the duty of the guardian of the interdiction person to care for the persons and property of any minors or incapacitated persons who are subject to the authority of the person sentenced to interdiction until another guardian is provided for them.

The wife of the person sentenced to interdiction shall exercise parental authority over their children while the interdiction lasts. If she be a minor she shall act under the direction of her father, or in his default, of her mother, or in default of both, that of her guardian."

CHAPTER VI.

PERSONS DISQUALIFIED TO BE GUARDIANS AND PROTUTORS AND THE REMOVAL OF THE SAME.

ART. 237. "The following cannot be guardians or protutors:

1. Persons subject to guardianship.
2. Persons who have been convicted of the crimes of robbery, theft, swindling, forgery, corruption of minors or public scandal.
3. Persons who have been sentenced to any corporal punishment, until the sentence has been served.
4. Persons who have been lawfully removed from a former guardianship.
5. Persons of bad conduct, or who have no known means of support.
6. Bankrupts and insolvents not discharged.
7. Women, with the exception of the cases in which they are expressly qualified by law.
8. Persons who at the time the office of guardian is filled have any litigation pending with the minor with respect to his civil status.
9. Persons who have any litigation pending with the minor concerning the ownership of his property unless the father or the mother, as the case may be, with knowledge of the fact, has otherwise provided.
10. Persons who are indebted to the minor to any considerable extent unless such person shall have been appointed by the father or mother, as the case may be, with knowledge of this fact.

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The wife shall manage her local and territorial property, the property of the children and by the husband, save that of the conjugal partnership, but cannot sell such property without the authorization of the court."

ART. 327. "The guardianship of the [illegible]:

1. To the father, or, in his default, to the mother;
2. To the paternal and maternal grandparents;
3. To the eldest of the ascendants male or female."

SECTION IV. Guardianship of persons under interdiction.

ART. 328. "Such guardianship shall be limited to the management of the property and to the representation in legal proceedings of the person under interdiction.

It shall furthermore be the duty of the guardian of the interdicted person to care for the person and property of any minor or incapacitated persons who are subject to the authority of the person sentenced to interdiction until another guardian is provided for them.

The wife of the person sentenced to interdiction shall exercise parental authority over their children while the interdiction lasts. It may be a minor she shall act under the direction of her father, or in his default, of her mother, or in default of both, that of her guardian."

CHAPTER VI.

PERSONS DISQUALIFIED TO BE GUARDIANS AND PROCEEDINGS AND

THE REMOVAL OF THE SAME.

ART. 329. "The following cannot be guardians or protectors:

1. Persons subject to guardianship.
2. Persons who have been convicted of the crimes of robbery, theft, swindling, forgery, corruption of minors or public scandal.
3. Persons who have been sentenced to any corporal punishment, until the sentence has been served.
4. Persons who have been legally removed from a former guardianship.
5. Persons of bad conduct, or who have no known mode of support.
6. Bankrupts and insolvents not discharged.
7. Aliens, with the exception of the cases in which they are expressly qualified by law.
8. Persons who at the time the office of guardian is filled have any litigation pending with the minor with respect to his civil status.
9. Persons who have any litigation pending with the minor concerning the ownership of his property unless the latter or the mother, as the case may be, with knowledge of the fact, has otherwise provided.
10. Persons who are indebted to the minor to any considerable extent unless such person shall have been appointed by the father or mother, as the case may be, with knowledge of this fact.

11. The relatives mentioned in paragraph 2 of Article 293 and the testamentary guardian when either of them has failed to perform the duties imposed upon him by such article.
12. Professed members of monastic orders.
13. Foreigners not residing in Spain."

CHAPTER VIII.

BONDS OF GUARDIANS.

ART. 260. "The following guardians shall not be required to give bond:

1. The father, the mother, and the grandparents, in cases in which they are required to act as guardians of their descendants.
2. The testamentary guardian, if relieved from this obligation by the father or the mother, as the case may be. This exemption shall cease whenever, subsequently to the appointment of the guardian, causes unknown to the testator shall arise which, in the opinion of the family council, make a bond necessary."

TITLE X.

THE FAMILY COUNCIL.

SECTION I. Manner of Constituting the Family Council.

ART. 298. "The causes which excuse, disqualify or give ground for the removal of guardians and protutors shall be applicable to members of the family council. If the father of the ward, or the mother, as the case may be, shall have expressly provided by will for the exclusion of any person or persons from the family council, such person or persons shall be ineligible for membership therein."

ART. 302. "The family council for natural children shall be constituted under the same rules as that for legitimate children, but shall be composed of relatives of the father or mother by whom such children have been acknowledged."

TITLE XI.

EMANCIPATION AND MAJORITY.

CHAPTER I.

EMANCIPATION.

ART. 314. "Emancipation takes place.

1. Upon the marriage of the minor.
2. Upon the attainment of majority.
3. By concession of the father or mother exercising the parental authority."

ART. 318. "In order that emancipation may take place by concession of the father or mother, the minor shall be not less than eighteen years of age and must consent thereto."

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11. The relatives mentioned in paragraph 2 of Article 293 and the testamentary guardian when either of them has failed to perform the duties imposed upon him by such article.
12. Professed members of monastic orders.
13. Foreigners not residing in Spain."

CHAPTER VIII.

SCOPE OF GUARDIANS.

ART. 290. "The following guardians shall not be required to give bond:

1. The father, the mother, and the grandparents, in cases in which they are required to act as guardians of their descendants.
2. The testamentary guardian, if relieved from this obligation by the father or the mother, as the case may be. This exemption shall cease whenever, subsequently to the appointment of the guardian, matters unknown to the testator shall arise which, in the opinion of the family council, make a bond necessary."

TITLE X.

THE FAMILY COUNCIL.

SECTION 1. Manner of constituting the Family Council.

ART. 298. "The causes which excuse, disqualify or give ground for the removal of guardians and protutors shall be applicable to members of the family council. If the father of the ward, or the mother, as the case may be, shall have expressly provided by will for the exclusion of any person or persons from the family council, such persons or persons shall be ineligible for membership therein."

ART. 302. "The family council for natural children shall be constituted under the same rules as that for legitimate children, but shall be composed of relatives of the father or mother by whom such children have been acknowledged."

TITLE XI.

EMANCIPATION AND MAJORITY.

CHAPTER I.

EMANCIPATION.

ART. 314. "Emancipation takes place.

1. Upon the marriage of the minor.
2. Upon the attainment of majority.
3. By concession of the father or mother exercising the parental authority."

ART. 315. "In order that emancipation may take place by concession of the father or mother, the minor shall be not less than eighteen years of age and must consent thereto."

CHAPTER II.

MAJORITY.

ART. 321. "Notwithstanding the provisions of the next preceding article, unmarried daughters who have attained their majority but are under twenty-five years of age, cannot leave the parental home without permission of the father or mother in whose company they live, except to marry, or when the father or mother has remarried."

BOOK SECOND.

PROPERTY, OWNERSHIP, AND ITS MODIFICATIONS.

TITLE VI.

USUFRUCT, USE, AND HABITATION.

CHAPTER I.

USUFRUCT.

SECTION III. Obligations of the Usufructuary.

ART. 492. "The provisions of paragraph 2 of the next preceding article are not applicable to the vendor or donor who has reserved to himself the usufruct of the property sold or bestowed as a gift, or to parents who are the usufructuaries of the property of their children, or to the surviving spouse with respect to the hereditary portion granted to him or her by Articles 834, 836, and 837, except in case the parents or spouse contract a second marriage."

BOOK THIRD.

DIFFERENT MODES OF ACQUIRING OWNERSHIP.

TITLE II.

DONATIONS.

CHAPTER III.

EFFECTS AND LIMITATIONS OF DONATIONS.

ART. 637. "Donations made jointly to husband and wife are excepted from this rule, and the right of accretion shall exist between them unless the donor has otherwise provided."

CHAPTER II.

MATURITY.

ART. 341. "Notwithstanding the provisions of the next preceding article, unmarried daughters who have attained their majority but are under twenty-five years of age, cannot leave the parental home without permission of the father or mother in whose company they live, except to marry, or when the father or mother has remarried."

BOOK SECOND.

PROPERTY, OWNERSHIP, AND ITS MODIFICATIONS.

TITLE VI.

USUFRUCT, USE, AND HABITATION.

CHAPTER I.

USUFRUCT.

SECTION III. Obligations of the Usufructuary.

ART. 498. "The provisions of paragraph 2 of the next preceding article are not applicable to the vendor or donor who has reserved to himself the usufruct of the property sold or bestowed as a gift, or to parents who are the usufructuaries of the property of their children, or to the surviving spouse with respect to the hereditary portion granted to him or her by Articles 834, 836, and 837, except in case the parents or spouse contract a second marriage."

BOOK THIRD.

DIFFERENT MODES OF ACQUIRING OWNERSHIP.

TITLE II.

DONATIONS.

CHAPTER III.

FORMS AND LIMITATIONS OF DONATIONS.

ART. 647. "Donations made jointly to husband and wife are exempted from this rule, and the right of accretion shall exist between them unless the donor has otherwise provided."

TITLE III.

SUCCESSIONS.

GENERAL PROVISIONS.

CHAPTER I.

WILLS.

SECTION I. Capacity to Dispose by Will.

ART. 663. "The following are incapable of making wills:

1. Persons of either sex under fourteen years of age.
2. Persons who, either permanently or temporarily, are not of sound mind."

SECTION III. Form of Wills.

ART. 681. "The following cannot be witnesses to a will:

1. Women, with the exception of the provisions of Article 701.
2. Males under age, with the same exception.
3. Persons who are not citizens of or domiciled in the place where the will is executed, saving the cases excepted by law.
4. Blind persons and those totally deaf or dumb.
5. Persons who do not understand the language of the testator.
6. Persons of unsound mind.
7. Persons who have been found guilty of the crimes of falsification of public or private instruments, or of giving false testimony, and those undergoing the penalty of civil interdiction.
8. The clerks, amanuenses, servants, or relatives within the fourth degree of consanguinity or the second of affinity of the notary who authenticates the will."

SECTION V. Open Wills.

ART. 701. "In case of an epidemic, the will may also be executed without the intervention of a notary, before three witnesses over 16 years of age, male or female."

CHAPTER II.

INHERITANCE.

SECTION I. Capacity to Succeed by Will or by Intestacy.

ART. 753. "Neither shall any testamentary disposition made by a ward in favor of his guardian before the final accounts of the latter have been approved by valid, even though the testator should die after the approval thereof.

Nevertheless, any disposition made by the ward in favor of the guardian when the latter is his or her ascendant, descendant, brother, sister, or spouse shall be valid."

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TITLE III.

SUCCESSIONS.

GENERAL PROVISIONS.

CHAPTER I.

WILLS.

SECTION 1. Capacity to Dispose by Will.

Art. 665. "The following are incapable of making wills:

1. Persons of either sex under fourteen years of age.
2. Persons who, either permanently or temporarily, are not of sound mind."

SECTION III. Form of Wills.

Art. 681. "The following cannot be witnesses to a will:

1. Women, with the exception of the provisions of Article 701.
2. Males under age, with the same exception.
3. Persons who are not citizens of or domiciled in the place where the will is executed, saving the cases excepted by law.
4. Blind persons and those totally deaf or dumb.
5. Persons who do not understand the language of the testator.
6. Persons of unsound mind.
7. Persons who have been found guilty of the crimes of falsification of public or private instruments, or of giving false testimony, and those undergoing the penalty of civil interdiction.
8. The clerks, assistants, servants, or relatives within the fourth degree of consanguinity or the second of affinity of the notary who authenticates the will."

SECTION V. Open Wills.

Art. 701. "In case of an epidemic, the will may also be executed without the intervention of a notary, before three witnesses over 16 years of age, male or female."

CHAPTER II.

INHERITANCE.

SECTION I. Capacity to Succeed by Will or by Intestacy.

Art. 725. "Neither shall any testamentary disposition made by a ward in favor of his guardian before the final accounts of the latter have been approved by valid, even though the testator should die after the approval thereof.

Nevertheless, any disposition made by the ward in favor of the guardian when the latter is his or her ascendant, descendant, brother, sister, or spouse shall be valid."

ART. 754. "The testator cannot dispose of the whole or any part of his estate in favor of the notary who authenticates his will, or of the wife, relatives, or connections by marriage of the latter within the fourth degree, with the exception mentioned in Article 682.

This prohibition shall be applicable to the witnesses to an open will executed with or without the intervention of a notary.

The provisions of this article shall also be applicable to the witnesses and persons before whom special wills are executed."

ART. 756. "The following are incapable of succession by reason of unworthiness:

1. Parents who have abandoned their children or prostituted their daughters or committed an offense against their modesty.

2. Any person who has been found guilty of a crime against the life of the testator, his spouse, descendants, or ascendants.

If the offender should be a forced heir he shall lose his right to a legitime.

3. Any person who has accused the testator of a crime for which the law prescribes an afflictive penalty, if the accusation has been declared a calumny.

4. Any heir of full age who, having knowledge of the violent death of the testator, shall fail to report it to the officers of justice within a month, unless the latter shall have already taken action upon their own initiative.

This prohibition shall not apply in cases in which, according to law, there is no obligation to make an accusation.

5. Any person convicted of adultery with the wife of the testator.

6. Any person who by threats, fraud, or violence, shall force the testator to make a will or to change it.

7. Any person who by the same means prevents another from making a will or from revoking one already made, or who supplants, conceals, or changes a subsequent will."

SECTION II. Institution of Heir.

ART. 770. "If the testator should institute his brothers or sisters as his heirs, and he has some of full blood and others on the side of the father or mother only, the inheritance shall be distributed as in cases of intestacy."

SECTION III. Substitution.

ART. 775. "Parents and other ascendants may appoint substitutes for their descendants of both sexes under 14 years of age in anticipation of their death before attaining this age."

SECTION IV. Institution of Heirs; and Legacies Conditional or for a Term.

ART. 793. "An absolute condition of not contracting a first or subsequent marriage shall be disregarded unless such condition has been imposed on the widower or widow by the deceased spouse, or by the ascendants or descendants of the latter.

Nevertheless, the right of usufruct, use of habitation, or an allowance or some personal service may be bequeathed to a person for the time during which he or she remains unmarried or in widowhood."

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ART. 704. The testator cannot dispose of the whole or any part of his estate in favor of the notary who authenticates his will, or of the wife, relatives, or connections by marriage of the latter within the fourth degree, with the exception mentioned in Article 683.

This prohibition shall be applicable to the witnesses to an act executed with or without the intervention of a notary.

The provisions of this article shall also be applicable to the witnesses and persons before whom special wills are executed."

ART. 705. "The following are incapable of succession by reason of unworthiness:

1. Parents who have abandoned their children or prostituted their daughters or committed an offense against their modesty.

2. Any person who has been found guilty of a crime against the life of the testator, his spouse, descendants, or ascendants.

If the offender should be a forced heir he shall lose his right to a legitime.

3. Any person who has accused the testator of a crime for which the law prescribes an afflictive penalty, if the accusation has been declared a calumny.

4. Any heir of full age who, having knowledge of the violent death of the testator, shall fail to report it to the officials of justice within a month, unless the latter shall have already taken action in their initiative.

This prohibition shall not apply in cases in which, according to law, there is no obligation to make an accusation.

5. Any person convicted of adultery with the wife of the testator.

6. Any person who by threats, fraud, or violence, shall force the testator to make a will or to change it.

7. Any person who by the same means prevents another from making a will or from revoking one already made, or who suppresses, conceals, or changes a subsequent will."

SECTION II. Restitution of Heir.

ART. 706. "If the testator should institute six brothers or sisters as his heirs, and he has none of full blood and there be the wife of the latter or mother only, the inheritance shall be distributed as in cases of intestacy."

SECTION III. Substitution.

ART. 707. "Parents and other ascendants may stipulate substitutes for their descendants of both sexes under 14 years of age in anticipation of their death before attaining this age."

SECTION IV. Institution of Heirs; and Bequests Conditional or for a Term.

ART. 708. "An absolute condition of not contracting a first or subsequent marriage shall be disregarded unless such condition has been imposed on the widower or widow by the deceased spouse, or by the ascendants or descendants of the latter.

Nevertheless, the right of usufruct, use of habitation, or allowance or some periodical survivor may be bequeathed to a person for the time during which he or she remains unmarried or is widowed."

SECTION V. Legitime.

ART. 807. "The following are forced heirs:

1. Legitimate children and descendants, with respect to their legitimate parents and ascendants.
2. In default of the foregoing, legitimate parents and ascendants, with respect to their legitimate children and descendants.
3. The widower or widow, natural children legally acknowledged, and the father or the mother of the latter, in the manner and to the extent established by Articles 834, 835, 836, 837, 840, 841, 842, and 846."

Art. 808. "The legitime of legitimate children and descentants consists of two-thirds of the hereditary estate of the father and of the mother.

Nevertheless, the latter may dispose of one of the two-thirds forming the legitime in order to apply it as a betterment to their legitimate children or descendants.

They may freely dispose of the remaining third."

ART. 810. "The legitime reserved to the parents shall be divided between both equally; if one of the parents should have died, the survivor shall receive the whole.

If the testator leaves neither father nor mother, but is survived by ascendants of equal degree of the paternal and maternal line, the estate shall be divided equally between both lines. If the ascendants should be of different degrees it shall wholly belong to the nearest ones of either line."

ART. 814. "The preterition of one or all of the forced heirs in the direct line, whether living at the time of the execution of the will or born after the death of the testator, shall void the institution of heir; but the legacies and betterments shall be valid, insofar as they are not inficious.

The preterition of the widower or widow shall not annul the institution, but the person omitted shall retain all the rights granted him by Articles 834, 835, 836, and 837 of this code.

If the omitted forced heirs die before the testator, the institution shall stand."

SECTION VI. Betterments (Mejoras)."

ART. 823. "The father or the mother may dispose of one of the two-thirds of the estate reserved for the legitime in favor of one or more of their children or descendants."

ART. 831. "Notwithstanding the provisions of the next preceding article it shall be valid to stipulate in a marriage settlement that if one of the spouses dies intestate, the widower or widow who has not contracted a new marriage may distribute the property of the deceased according to his or her prudent judgment and give betterments from such property to the children of the marriage, without prejudice to the legitime and to any betterments made by the deceased in his lifetime."

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SECTION V. Legitimacy.

ART. 807. "The following are forced heirs:

1. Legitimate children and descendants, with respect to their legitimate parents and ascendants.

2. In default of the foregoing, legitimate parents and ascendants, with respect to their legitimate children and descendants.

3. The widower or widow, natural children legally acknowledged, and the father or the mother of the latter, in the manner and to the extent established by Articles 934, 935, 936, 937, 940, 941, 943, 944, and 944."

ART. 808. "The legitimate or legitimated children and descendants constitute the two-thirds of the hereditary estate of the father and of the mother."

Nevertheless, the latter may dispose of one of the two-thirds forming the legitime in order to apply it as a better-ment to their legitimate children or descendants.

They may freely dispose of the remaining third."

ART. 815. "The legitime reserved to the parents shall be divided between both equally if one of the parents should have died, the survivor shall receive the whole.

If the testator leave neither father nor mother, but is survived by ascendants of equal degree of the paternal and maternal line, the estate shall be divided equally between both lines. If the ascendants should be of different degrees it shall wholly adhere to the nearest ones of either line."

ART. 816. "The preferation of one or all of the forced heirs in the direct line, whether living at the time of the execution of the will or born after the death of the testator, shall void the institution of heir, but the legacies and betterments shall be valid, insofar as they are not inofficious.

The preferation of the widower or widow shall not annul the institution, but the person putting shall retain all the rights granted him by Articles 834, 835, 836, and 837 of this code.

If the omitted forced heirs die before the testator, the institution shall stand."

SECTION VI. Betterments (Mejoras).

ART. 808. "The father or the mother may dispose of one of the two-thirds of the estate reserved for the legitime in favor of one or more of their children or descendants."

ART. 831. "Notwithstanding the provisions of the next preceding article it shall be valid to stipulate in a marriage settlement that it one of the spouses die intestate, the widow or widower who has not contracted a new marriage may dispose of the property of the deceased according to his or her prudent judgment and give betterments free such property to the children of the marriage, without prejudice to the legitime due to any betterments made by the deceased in his lifetime."

SECTION VII. Rights of the Surviving Spouse.

ART. 834. "A widower or widow who, on the death of his or her spouse, is not divorced, or should be so by the fault of the deceased, shall be entitled to a portion in usufruct equal to that corresponding by way of legitime to each of the legitimate children or descendants who have not received any betterment.

If only one legitimate child or descendant survives, the widower or widow shall have the usufruct of the third available for betterment, such child or descendant to have the naked ownership until, on the death of the surviving spouse, the whole title is merged in him.

If the spouses should be separated by a suit for divorce, the result of the suit shall be awaited.

If there should have been a pardon or a reconciliation between the divorced spouses, the survivor shall preserve his or her rights."

ART. 835. "The hereditary portion allotted in usufruct to the widowed spouse must be taken from the third of the estate available for the betterment of the children."

ART. 836. "If the testator leaves no descendants, but does leave ascendants, the surviving spouse shall be entitled to a third of the estate in usufruct.

This third shall be taken from the free half, the testator being allowed to dispose of the naked ownership of the same."

ART. 837. "If the testator should leave no legitimate ascendants or descendants, the surviving spouse shall be entitled to one-half of the estate, also in usufruct."

ART. 838. "The usufructory rights of the surviving spouse may be satisfied by the settlement upon him or her by the heirs of a life annuity or the income from some specific property, or by the payment of money, as may be determined by agreement between the parties, or, in default of such agreement, by judicial decision.

Until this has been done the usufructuary interest of the surviving spouse shall constitute a lien upon all the property of the estate."

ART. 839. "In case of the survival of children of two or more marriages, the usufruct pertaining to the widowed spouse of the second marriage shall be taken from the third at the free disposal of the parents."

SECTION XI. Executors.

ART. 893. "No person not having contractual capacity can be an executor.

A married woman may be an executrix with the consent of her husband, but such consent shall not be necessary should she be legally separated from him.

No minor can be an executor, even with the authorization of his father or guardian."

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SECTION VII. Rights of the Surviving Spouse.

ART. 834. "A widower or widow who, on the death of his or her spouse, is not divorced, or should be so by the fault of the deceased, shall be entitled to a portion in usufruct equal to that corresponding by law of legitime to each of the legitimate children or descendants who may not received any betterment.

"Should only one legitimate child or descendant survive, the widower or widow shall have the usufruct of the third available for betterment; such child or descendant to have the bare ownership until, on the death of the surviving spouse, the whole title is merged in him.

"If the spouses should be separated by a suit for divorce, the result of the suit shall be awaited.

"If there should have been a petition or a reconciliation between the divorced spouse, the survivor shall preserve his or her rights."

ART. 835. "The hereditary portion allotted in usufruct to the widowed spouse must be taken from the third of the estate available for the betterment of the children."

ART. 836. "If the testator leaves no descendants, but does leave ascendants, the surviving spouse shall be entitled to a third of the estate in usufruct.

"This third shall be taken from the free half, the testator being allowed to dispose of the reserved one-half of the same."

ART. 837. "If the testator should leave to legitimate ascendants or descendants, the surviving spouse shall be entitled to one-half of the estate, also in usufruct."

ART. 838. "The usufructory rights of the surviving spouse may be satisfied by the settlement made on her by the heirs of a life annuity or the income from some specific property, or by the payment of money, as may be determined by agreement between the parties, or, in default of such agreement, by judicial decision.

"Until this has been done the usufructuary interest of the surviving spouse shall constitute a lien upon all the property of the estate."

ART. 839. "In case of the survival of children of two or more marriages, the usufruct pertaining to the widowed spouse of the second marriage shall be taken from the third of the free disposal of the parents."

SECTION XI. Executors.

ART. 903. "No person not having contractual capacity can be an executor.

"A married woman may be an executrix with the consent of her husband, but such consent shall not be necessary should she be legally separated from him.

"No minor can be an executor, even with the authorization of his father or guardian."

CHAPTER IV.

ORDER OF SUCCESSION ACCORDING TO DIVERSITY OF LINES.

ART. 936. "The father and mother, if living, shall inherit share and share alike.

Should one only of them survive, he or she shall succeed to the entire estate of the child."

SECTION IV. Succession of Collaterals and of Spouses.

ART. 955. "The right to inherit ab intestate shall not extend beyond the sixth degree of relationship in the collateral line."

CHAPTER V.

PROVISIONS COMMON TO INHERITANCE BY OR WITHOUT WILL.

SECTION I. Precautions to be Adopted when the Widow is Left Pregnant.

ART. 959. "When the widow believes that she has been left pregnant, she must give notice of the fact to all persons who have rights in the inheritance of such a character that they will disappear or be reduced by the birth of a posthumous child."

ART. 962. "The omission of these formalities shall not affect the legitimacy of the child, which, if contested, may be proven by the mother, or by the child through its lawful representative.

The right of action on the part of those entitled to contest the legitimacy of the issue shall prescribe at the expiration of the terms mentioned in Article 113."

ART. 963. "If the husband has acknowledged in a public or private document the fact of the pregnancy of his wife she shall be excused from giving the notice required by Article 959, but she must comply with the provisions of Article 961."

ART. 964. "If the widow is left pregnant she must be supported at the expense of the estate, even though she be rich, taking into account the portion thereof which may pertain to the posthumous child should it be born viable."

ART. 965. "Until parturition takes place or it becomes certain that it would not take place, either because a miscarriage has occurred or because the maximum time for gestation has passed, the property shall be secured and administered in the same manner as in compulsory testamentary proceedings."

SECTION II. Property Subject to Reservation.

ART. 968. "Beside the reservation imposed by Article 811, any widower or widow who contracts a second marriage shall be obliged to reserve forthe children and descendants of the former marriage the ownership of all the property he or she may have acquired from the deceased spouse by will, intestate succession, gift,

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CHAPTER IV.

ORDER OF SUCCESSION ACCORDING TO DIGNITY OR LINE.

ART. 958. "The father and mother, if living, shall inherit share and share alike.

Should one only of them survive, he or she shall succeed to the whole estate of the child."

SECTION IV. Succession of Collateral Relations.

ART. 959. "The right to inherit of intestate shall extend beyond the sixth degree of relationship in the collateral line."

CHAPTER V.

PROVISIONS COMMON TO INHERITANCE BY OR WITHOUT WILL.

SECTION I. Precautions to be Adopted when the Widow is Left Pregnant.

ART. 960. "When the widow believes that she has been left pregnant, she must give notice of the fact to all persons who have rights in the inheritance of such a character that they will disappear or be reduced by the birth of a posthumous child."

ART. 961. "The existence of these formalities shall not affect the legitimacy of the child, which, if contested, may be proved by the mother, or by the other [illegible] representative.

The right of action on the part of those entitled to contest the legitimacy of the issue shall [illegible] at the expiration of the terms mentioned in Article 114."

ART. 962. "If the husband was accustomed to a public or private document the fact of the pregnancy of his wife who shall be exempted from giving the notice required by Article 960, but she must comply with the provisions of Article 961."

ART. 963. "If the widow is left pregnant she must be supported out of the estate, even though she be rich, taking into account the portion thereof which may pertain to the posthumous child should it be born viable."

ART. 965. "Until partition takes place or it becomes certain that it would not take place, either because a guardian has assumed or because the maximum time for restitution has passed, the property shall be secured and administered in the same manner as is compulsory in testamentary proceedings."

SECTION II. Property Subject to Reservation.

ART. 966. "Besides the reservation imposed by Article 811, any ascendant or widow who contracts a second marriage shall be obliged to reserve for the children and descendants of the former marriage the ownership of all the property he or she may have acquired from the deceased spouse by will, intestate succession, gift,

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or by any other gratuitous title, but not his or her half of the profits of the conjugal partnership."

ART. 969. "The provisions of the next preceding article shall be applicable to any property which may have been acquired in any of the manners mentioned therein by the widower or widow from any of the children of the first marriage or which any relative of the deceased spouse may have given such widow or widower out of consideration for the former."

ART. 974. "Alienations of reservable real property made by the surviving spouse before contracting a second marriage shall be valid; but in the event of such marriage it shall be the duty of the surviving spouse to give security in favor of the children and descendants of the former marriage for the value of such property."

ART. 975. "Subject to the provisions of the Mortgage Law, alienations of reservable real property made by the widow or widower after contracting a second marriage shall be valid only in case there are no surviving legitimate children or descendants of the former marriage at the time of his or her death."

ART. 977. "Any widower or widow who contracts a new marriage shall have an inventory made of all the property subject to reservation, cause an entry to be made in the Registry of Deeds, in accordance with the provisions of the Mortgage Law, to the effect that such real estate is subject to reservation, and shall have the personal property appraised."

SECTION IV. Acceptance and Repudiation of the Inheritance.

ART. 995. "A married woman cannot accept or repudiate an inheritance except with the permission of her husband, or, this failing, the approval of the judge.

In the latter case, the property of the conjugal partnership already existing shall not be liable for the debts of the hereditary estate."

CHAPTER VI.

COLLATION AND PARTITION.

SECTION I. Collation.

ART. 1046. "A dowry or gift made by both spouses shall be collated in equal parts in the inheritance of each one of them. That made by one alone shall be brought into collation in his or her inheritance."

SECTION II. Partition.

ART. 1053. "The wife cannot ask for the partition of property without the authority of the husband, or, when the husband cannot give it, of the judge. Should the husband request it in the name of his wife, he must do so with her consent.

The co-heirs of the wife cannot require a partition without the institution of proceedings against her and her husband jointly."

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or by any other restrictive title, but not six or ten half of the profits of the contract permissible."

ART. 969. "The provisions of the next preceding article shall be applicable to any property which may have been acquired in any of the manners mentioned therein by the widower or widow from any of the children of the first marriage or which may relative of the deceased spouse may have given such widow or widower out of consideration for the former."

ART. 970. "Alienations of immovable real property made by the surviving spouse before contracting a second marriage shall be voidable but in the event of such marriage it shall be the duty of the surviving spouse to give security in favor of the children and descendants of the former marriage for the value of such property."

ART. 971. "Subject to the provisions of the following law, alienations of immovable real property made by the widow or widower after contracting a second marriage shall be valid only in case there are no surviving legitimate children or descendants of the former marriage at the time or his death."

ART. 972. "Any widower or widow who contracts a new marriage shall have an inventory made of all the property subject to reservation, cause an entry to be made in the Registry of Deeds, in conformance with the provisions of the foregoing law, to the effect that such real estate is subject to reservation, and shall have the personal property appraised."

SECTION IV. Acceptance and Repudiation of the Inheritance.

ART. 973. "A married woman cannot accept or repudiate an inheritance without the [illegible] of the husband or, in his default, without the approval of the judge.

In the latter case, the property of the conjugal partnership already existing shall not be liable for the debts of the hereditary estate."

CHAPTER VI.

DONATION AND PARTITION.

SECTION I. Donation.

ART. 1048. "A donor or gift made by both spouses shall be collated in equal parts to the inheritance of each one of them. That made by one alone shall be brought into collation in his or her estate."

SECTION II. Partition.

ART. 1058. "The wife cannot ask for the partition of property without the authority of the husband, or, when the husband cannot give it, of the judge. Should the husband refuse to do the duty of his wife, he must be sued for that purpose.

The co-heirs of the wife cannot require a partition without the intervention of necessary parties, nor can they [illegible]"

BOOK FOURTH.

OBLIGATIONS AND CONTRACTS.

TITLE I.

OBLIGATIONS.

CHAPTER V.

PROOF OF OBLIGATIONS.

GENERAL PROVISIONS.

SECTION V. Testimony of Witnesses.

ART. 1245. "All persons, of either sex, who are not disqualified by natural incapacity, or by the provisions of law, may be witnesses."

TITLE II.

CONTRACTS.

CHAPTER II.

ESSENTIAL REQUISITES FOR THE VALIDITY OF CONTRACTS.

GENERAL PROVISIONS.

SECTION I. Consent.

ART. 1263. "The following persons cannot give consent:

1. Minors who are not emancipated.
2. Lunatics or insane persons, and deaf-mutes who do not know how to write.
3. Married women, in the cases provided by law."

CHAPTER VI.

NULLITY OF CONTRACTS.

ART. 1301. "The action of annulment shall last four years.

The term shall commence to run:

1. In cases of intimidation or violence from the day on which either ceased.
2. In those of error or deceit or falsity of consideration, from the date of the consummation of the contract.
3. When the purpose of the action is to invalidate the unauthorized contracts of a married woman, from the date of the dissolution of the marriage,
4. With respect to contracts made by minors or incapacitated persons, from the date they were released from guardianship."

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BOOK FOURTH.

OBLIGATIONS AND CONTRACTS.

TITLE I.

OBLIGATIONS.

CHAPTER V.

PROOF OF OBLIGATIONS.

GENERAL PROVISIONS.

SECTION V. Testimony of Witnesses.

ART. 1346. "All persons, of either sex, who are not disqualified by natural incapacity, or by the provisions of law, may be witnesses."

TITLE II.

CONTRACTS.

CHAPTER II.

ESSENTIAL REQUISITES FOR THE VALIDITY OF CONTRACTS.

GENERAL PROVISIONS.

SECTION 1. Consent.

ART. 1461. "The following persons cannot give consent:

1. Minors who are not emancipated.
2. Insanics or insane persons, and deaf-mutes who do not know how to write.
3. Married women, in the cases provided by law."

CHAPTER VI.

NULLITY OF CONTRACTS.

ART. 1821. "The action of annulment shall last four years.

The term shall commence to run:

1. In case of intimidation or violence from the day on which either ceased.
2. In those of error or deceit or injury of consideration, from the date of the contract.
3. When the purpose of the action is to invalidate the authorized contracts of a married woman, from the date of the dissolution of the marriage.
4. With respect to contracts made by minors or incapacitated persons, from the date they were released from guardianship."

TITLE III.

CONTRACTS RELATING TO PROPERTY ON OCCASION OF MARRIAGE.

CHAPTER I.

GENERAL PROVISIONS.

ART. 1324. "Whenever the property brought in marriage by the spouses is not real estate, and that of the husband and wife together does not exceed a total of two thousand five hundred pesetas, and there is no notary in the town of their residence, the ante-nuptial contract may be executed before the secretary of the municipal council and two witnesses who shall state, on their responsibility, that they know the property has been delivered or that it has been brought in marriage, as the case may be.

The original contract or contracts shall be preserved, under registration, in the archives of the proper municipality.

Whenever, among the property brought to the marriage, whatever may be its value, there are one or more parcels of real estate, or the contract refers to property of this description, it must, in all cases, be executed before a notary, in accordance with the provisions of Article 1321."

ART. 1325. "Should the marriage be contracted in a foreign country, between a Spaniard and a foreign woman or between a foreigner and a Spanish woman, and the contracting parties should not make any statement or stipulation with respect to their property, it shall be understood, when the husband is a Spaniard, that he marries under the system of the legal conjugal partnership, and when the wife is a Spaniard, that she marries under the system of law in force in the husband's country, all without prejudice to the provisions of this code with respect to real property."

CHAPTER II.

DONATIONS BY REASON OF MARRIAGE.

ART. 1327. Donations by reason of marriage are those bestowed before its celebration in consideration of the same, upon one or both of the spouses."

ART. 1333. "A gift bestowed by reason of marriage may be revoked only in the following cases:

1. If made conditionally and the condition is not fulfilled.
2. If the marriage should not take place.
3. If the parties should marry without having obtained the consent required in accordance with the provisions of Rule 2, Article 50, or if the marriage is annulled and there was bad faith on the part of one of the spouses, in accordance with paragraph 3, Article 73, of this code."

ART. 1334. "All donations between spouses made during the marriage shall be void.

Moderate gifts which spouses bestow on each other on days of festivity for the family shall not be included in this rule."

TITLE III.

CONTRACTS RELATING TO TENURE OR OCCASIONS OF MARRIAGE.

CHAPTER I.

GENERAL PROVISIONS.

ART. 1324. "Whenever the property brought in marriage by the spouses is not real estate, nor that of the husband and wife together does not exceed a total of two thousand five hundred pesetas, and there is no notary in the town of their residence, the ante-nuptial contract may be executed before the secretary of the municipal council and two witnesses who shall state, on their responsibility, that they know the property has been delivered or that it has been brought in matrimony, as the case may be.

The original contracts or contracts shall be preserved, under registration, in the archives of the proper municipality.

However, since the property brought to the marriage, whether over may be its value, there are one or more parcels of real estate, or the contract refers to property of this description, it must, in all cases, be executed before a notary, in accordance with the provisions of Article 1321."

[illegible] Should the [illegible] be executed in a foreign country, between a Spaniard and a foreign woman or between a foreigner and a Spanish woman, and the contracting parties should not make any statement or stipulation with respect to their property, it shall be understood, when the husband is a Spaniard, that be married under the system of the legal conjugal partnership, and when the wife is a Spaniard, that the matrimony under the system of law in force in the husband's country, all without prejudice to the provisions of this code with regard to real property."

CHAPTER II.

DONATIONS BY REASON OF MARRIAGE.

ART. 1329. "Donations by reason of marriage are those executed before the celebration in consideration of the same, upon one or both of the spouses."

ART. 1330. "A gift bestowed by reason of marriage may be revoked only in the following cases:

1. If made conditionally and the condition is not fulfilled.

2. If the marriage should not take place.

3. If the parties should marry without having obtained the consent required in accordance with the provisions of Article 42, Article 92, or if the marriage is annulled and there was bad faith on the part of one of the spouses, in accordance with paragraph 3, Article 73, of this code."

ART. 1334. "All donations between spouses made during the marriage shall be void.

Moderate gifts which spouses bestow on each other on days of festivity for the family shall not be included in this rule."

CHAPTER III.

DOWRY.

SECTION I. The Creation and Guarantee of Dowry.

ART. 1336. "The dowry is composed of the property and rights brought as such by the wife to the marriage at the time of contracting it, and of those which she acquires during the marriage by gift, inheritance, or legacy, as dowry property."

ART. 1338. "The parents and relatives of the spouses and persons not belonging to the family may create a dowry in favor of the wife, either before or after the celebration of the marriage.

The husband may also create it before the marriage, but not thereafter."

ART. 1339. "A dowry created before or at the time of the celebration of marriage shall be governed in all matters not provided for in this chapter by the rules relating to donations made in consideration thereof. A dowry created after the marriage shall be governed by the rules relating to ordinary donations."

ART. 1340. "The father or the mother, or whichever of them is alive, is bound to give a dowry to his or her legitimate daughters, except in cases in which, according to law, such daughters are required to obtain the consent of the father or mother to contract marriage, and marry without obtaining it."

ART. 1343. "When the husband alone or both spouses collectively establish a dowry for their daughters, it shall be paid from the property of the conjugal partnership. Should there be no such property, it shall be paid by monies, or in the proportion in which the parents may have respectively bound themselves, from the separate property of each spouse. If the wife alone should bestow the dowry, whatever she may have given or promised shall be taken from her own property."

ART. 1345. "Notwithstanding the provisions of the next preceding article, any married woman in whose favor a dowry has been acknowledged by her husband before the celebration of the marriage, or within the first year thereafter, may demand at any time that her husband secure it by a mortgage, provided she proves in court the existence of the dowry property or of other similar or equivalent property at the time she instituted her claim."

ART. 1346. "Dowry may be either appraised or unappraised. It is appraised if the value of the property of which it consists is determined at the time of the creation of the dowry, its ownership transferred to the husband, and the latter undertakes to return its value.

It is unappraised if the wife retains the ownership of the property, whether its value is determined or not, and the husband is bound to return to the same property.

If the ante-nuptial contract should not specify the kind of dowry created, it shall be deemed unappraised."

ART. 1348. "Any husband who, after having received an appraised dowry, believes himself prejudiced by its appraisal may sue for relief from the error or injury suffered by him."

CHAPTER VIII.

DOWER.

SECTION I. The Creation and Guarantee of Dower.

ART. 1336. "The dower is composed of the property and rights brought as such by the wife to the marriage at the time of consenting it, and of those which she acquires during the marriage by gift, inheritance, or legacy, as dower property."

ART. 1338. "The parents and relatives of the spouses and persons not belonging to the family may create a dower in favor of the wife, either before or after the celebration of the marriage.

The husband may also create it before the marriage, but not after."

ART. 1340. "A dower created before or at the time of the celebration of marriage shall be governed in all matters not provided for in this chapter by the rules relating to donations made in consideration thereof. A dower created after the marriage shall be governed by the rules applicable to ordinary donations."

ART. 1341. "The father or the mother, or whichever of them is alive, is bound to give a dower to his or her legitimate daughters, except in case it would, according to law, work dowagers are required to obtain the consent of the father or mother to contract marriage, and shall object without objecting it."

ART. 1343. "When the husband alone or both spouses collectively establish a dower for their daughters, it shall be paid from the property of the conjugal partnership. Should there be no such property, it shall be paid by bonies, or in the proportion in which the parents may have respectively bound themselves, upon the separate property of each spouse. If the wife alone should bestow the dowry, whatever she may have given or promised shall be taken from her own property."

ART. 1345. "Notwithstanding the provisions of the next preceding article, any married woman to whom favor a dowry has been constituted by her husband before the celebration of the marriage, or within the first year thereafter, may demand at any time that the husband secure it by a mortgage, provided six years intervene between the existence of the dowry property or of other similar or equivalent property at the time she instituted her claim."

ART. 1346. "Dowry may be either appraised or unappraised. It is appraised if the value of the property of which it consists is determined at the time of the creation of the dowry, its ownership transferred to the husband, and the latter undertakes to restore its value.

It is unappraised if the wife retains the ownership of the property, whether its value is determined or not, and the husband is bound to return to the same property.

If the acts-muptial contract should not specify the kind of dowry created, it shall be deemed unappraised."

ART. 1348. "Any husband who, after having received an appraised dowry, believes himself prejudiced by its appraisal may sue for relief from the error of injury suffered by him."

ART. 1351. "The mortgage created by the husband in favor of the wife shall be security for the restitution of the property or its appraised value in the cases in which such restitution should be made in accordance with law, and with the limitations therein specified, and it shall become inoperative and may be canceled when, for any legal cause whatsoever, the husband may be exempted from the obligation of making the restitution."

ART. 1352. "A married woman of age may herself demand the creation of the mortgage and the registration of the property referred to in Article 1349.

Before her marriage, or, if she be a minor, even after it, this right must be enforced in her name and the sufficiency of the mortgage security passed upon by her father or mother, or by the person who may have given the dowry or property to be secured.

In default of these persons, when the woman is a minor, whether married or not, it shall be the duty of the guardian, the protutor, the family council or any of its members to require that the same rights be enforced."

SECTION II. Of the Administration and Usufruct of the Dowry.

"Art. 1357. "The husband is the manager and usufructuary of the property which constitutes the unappraised dowry, with the rights and obligations pertaining to administration and usufruct, subject to the modifications mentioned in the following articles."

ART. 1358. "The husband is not bound to give the security required of ordinary usufructuaries; but it shall be his duty to enter in the registry, if not already recorded, in the name of the wife and as unappraised dowry, any real property or real rights which he may receive as such, and to create a special sufficient mortgage as security for his administration, usufruct, and restitution of the personal property."

ART. 1359. "Notwithstanding the provisions of the two articles next preceding, if the husband should have received securities or fungible property by way of appraised or unappraised dowry, and should not have secured them by mortgage, he may, nevertheless, substitute them with other equivalent property, with the consent of the wife, should she be of age, or of the persons referred to in Article 1352, should she be a minor.

He may also alienate such property with the consent of the wife, or with that of the persons mentioned, as the case may be, on condition that its value be invested in other equally safe property or securities."

ART. 1360. "The wife retains the ownership of the property constituting the unappraised dowry, and, consequently, and increase or decrease in its value shall be for her account.

The husband is only liable for the detericration which such property may suffer by his fault or negligence."

ART. 1361. "The wife, if of age, may with her husband's consent alienate, incumber, or mortgage the property of the unappraised dowry, or should she be a minor, with judicial authorization and with the intervention of the persons mentioned in Article 1352.

Should she alienate such property, the husband shall be bound to secure the proceeds by mortgage, in the same manner and under the same conditions as with respect to the property of the appraised dowry."

ART. 1321. "The mortgage created by the husband in favor of the wife shall be security for the restitution of the property or its appraised value in the degree in which restitution should be made in accordance with law, and with the limitations thereto specified, and it shall become ineffective and may be cancelled when, for any legal cause whatsoever, the husband may be exempted from the obligation of making the restitution."

ART. 1322. "A married woman of age may herself demand the cancellation of the mortgage and the reduction of the property mortgaged to it Article 1543.

Before her marriage, or, if she be a minor, even after it, this right must be enforced in her name and the sufficiency of the mortgage security passed upon by her father or mother, or by the person who may have given the dowry or property to be secured.

In default of these persons, when the woman is a minor, whether married or not, it shall be the duty of the prosecutor, the tutor, the family council or any of its members to require that the same rights be enforced."

SECTION II. Of the Administration and Usufruct of the Dowry.

"Art. 1323. "The husband is the manager and usufructuary of the property which constitutes the unmortgaged dowry, with the rights and obligations pertaining to administrator and usufruct, subject to the modifications mentioned in the following articles."

ART. 1324. "The husband is not bound to give the security required of ordinary usufructuaries; but it shall be his duty to enter in the registry, if not already recorded, in the name of the wife and as unmortgaged dowry, any real property or real rights which he may receive as such, and to create a special mortgage sufficient security for its administration, usufruct, and restitution of the increased property."

ART. 1325. "Notwithstanding the provisions of the two articles next preceding, if the husband should have received securities or fungible property by way of appraised or unappraised dowry, and should not have received them by contract, he may, nevertheless, substitute them with other equivalent property, with the consent of the wife, should she be of age, or of the proper relative in private life, should she be a minor.

He may also alienate such property with the consent of the wife, or with that of the persons mentioned, as the case may be, or authorization that its value be invested in other equally safe property or securities."

ART. 1326. "The wife retains the ownership of the property constituting the unmortgaged dowry, and, consequently, and increase or decrease in its value shall be for her account.

The husband is only liable for the deterioration which such property may suffer by his fault or negligence."

ART. 1327. "The wife, if of age, may with her husband's consent alienate, however, or mortgage the property of the unmortgaged dowry, or should she be a minor, with judicial authorization and with the intervention of the persons mentioned in Article 1328.

Should she alienate such property, the husband shall be bound to acquire the proceeds in ordinary, in the same manner and under the same conditions as with respect to the property of the appraised dowry."

ART. 1362. "The property constituting the unappraised dowry shall be liable for the usual daily expenses of the family, incurred by the wife or by her order, with the tacit consent of the husband; but in this case the property belonging to the conjugal partnership, and that belonging to the husband, must first be exhausted."

ART. 1363. "The husband cannot, without the consent of the wife, lease any real property pertaining to the unappraised dowry for a longer term than six years. In any case the payment to the husband in advance of more than three years' rent shall be void."

ART. 1364. "If the spouses, by virtue of the provisions of Article 1315, should have stipulated that conjugal partnership shall not exist between them, without stating the rules by which their property is to be governed, or should the wife or her heirs renounce such partnership, the provisions of this chapter shall be observed, and the husband, upon compliance with the obligations stated therein, shall receive all the fruits which would be deemed earnings of the partnership had it existed."

SECTION III. Restitution of Dowry.

ART. 1365. "The dowry shall be returned to the wife or her heirs in the following cases:

1. When the marriage is dissolved or declared void.
2. When the management of the dowry is transferred to the wife in the case provided for in the second paragraph of Article 225.
3. When the courts order such restitution in accordance with the provisions of this code."

ART. 1366. "The restitution of an appraised dowry shall be made by the delivery by the husband or his heirs to the wife or her heirs of the sum at which it was appraised when received by the husband.

From this amount shall be deducted:

1. Any dowry created in favor of the daughters, insofar as it may be chargeable against the separate property of the wife, in accordance with Article 1348.

2. Any debts contracted by the wife before the marriage and paid by the husband."

ART. 1367. "The real property of the unappraised dowry shall be restored in the condition in which it may be found; or should it have been alienated, the proceeds of the sale shall be delivered, after deducting therefrom whatever may have been applied to the payment of the exclusive obligations of the wife."

ART. 1370. "Until one year has elapsed, to be computed from the dissolution of the marriage, neither the husband nor his heirs can be required to return any money, fungible property or public securities which either wholly or in part are not in existence at the time of the dissolution of the conjugal partnership."

ART. 1373. "In the same manner as that designated in the next preceding article shall be restored the part of the dowry which consists:

1. Of marriage gifts legally bestowed by the husband upon the wife to take effect after his death, subject to the provisions with respect to the spouse who may have acted in bad faith in case of the annulment of the marriage, and to the provisions of Article 1440.

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ART. 1367. "The property constituting the unappropriated dowry shall be liable for the usual family expenses of the family, incurred by the wife or by her order, with the tacit consent of the husband; but in this case the property belonging to the conjugal partnership, and that belonging to the husband, must first be exhausted."

ART. 1368. "The husband cannot, without the consent of the wife, alienate any real property pertaining to the unappropriated dowry for a longer term than six years. In any case the payment to the husband in advance of more than three years' rent shall be void."

ART. 1369. "If the spouses, by virtue of the stipulations of Article 1315, should have stipulated that conjugal partnership shall not exist between them, without stating the rules by which their property is to be governed, or should the wife or her heirs renounce such partnership, the provisions of this chapter shall be observed, and the husband, upon compliance with the obligations stated in rule, shall receive all the fruits which would be dedicated portion of the patrimony had it existed."

SECTION III. Restitution of Dowry.

ART. 1370. "The dowry shall be returned to the wife or her heirs in the following cases:

1. When the marriage is declared or declared void.
2. When the management of the dowry is transferred to the wife in the case provided for in the second paragraph of Article 1358.
3. When the courts order such restitution in accordance with the provisions of such rule."

ART. 1371. "The restitution of an effective dowry shall be made by the delivery by the husband or his heirs to the wife or her heirs of the sum at which it was appraised when received by the husband.

From this amount shall be deducted:

1. Any dowry granted in favor of the daughter, insofar as it may be chargeable against the separate property of the wife, in accordance with Article 1346.

2. Any debts contracted by the wife before the marriage and paid by the husband."

ART. 1372. "The real property of the unappropriated dowry shall be restored in the condition in which it may be found or should it have been alienated, the proceeds of the sale shall be delivered after deducting therefor what may have been applied to the payment of the exclusive obligations of the wife."

ART. 1373. "Until one year has elapsed, it cannot be demanded from the dissolution of the marriage, neither the husband nor his heirs can be required to return any dowry, fungible property or implements which either wholly or in part are of a existence at the time of the dissolution of the conjugal partnership."

ART. 1374. "In the same manner as that designated in the next preceding article shall be restored the part of the dowry which consists:

1. Of marriage gifts legally bestowed by the husband upon the wife to take effect after his death, subject to the provisions with respect to the spouse who may have acted in bad faith in case of the annulment of the marriage, and to the provisions of Article 1440."

2. Of indemnities which the husband may owe his wife in accordance with this code."

ART. 1374. "The bed and bedding used by the spouses and her clothing and dresses in ordinary use shall be delivered to the widow without being charged against her dowry."

ART. 1378. "At the time of the restitution of the dowry allowance shall be made the husband from any marriage gifts legally bestowed upon him by the wife, subject to the provisions of this code concerning cases in which there has been a separation of property, and cases of annulment of marriage in which bad faith has existed on the part of one of the spouses."

ART. 1379. "Should the marriage be dissolved by the death of the wife, the interest or fruits of the dowry to be restored shall accrue to her heirs from the day of dissolution of the marriage.

Should the marriage be dissolved by the death of the husband, the wife at her election may require the payment to her of the interest and fruits of the dowry for one year or that she be supported for an equal period at the cost of the estate of the husband. In any case, the widow's mourning apparel shall be paid for by the estate."

ART. 1380. "After the marriage has been dissolved, the pending fruits or rents shall be divided pro rata between the surviving spouse and the heirs of the deceased in accordance with the rules which govern in the case of cessation of usufruct."

CHAPTER IV.

PARAPHERNAL PROPERTY.

ART. 1381. "Paraphernal property is that which the wife brings in marriage without including it in the dowry and that which she may acquire after the creation of a dowry without adding it thereto."

ART. 1382. "The wife retains the ownership of the paraphernal property."

ART. 1383. "The husband cannot maintain actions of any kind whatsoever with respect to the paraphernal property without the intervention or consent of the wife."

ART. 1384. "The wife shall have the management of the paraphernal property unless she has delivered the same to her husband before a notary, for the purpose of conferring its management upon him.

In such cases it shall be the duty of the husband to execute a mortgage for the value of any personalty which may be so delivered to him or otherwise secure it in the manner prescribed with respect to dowry property."

ART. 1385. "The fruits of the paraphernal property form part of the assets of the conjugal partnership, and are subject to the payment of the debts and expenses of the household.

3. Of immunities which the husband may use his wife in accordance with this code."

ART. 1378. "The bed and bedding used by the spouses and by visiting and dresses in ordinary use shall be delivered to the wives without being charged against her dower."

ART. 1379. "At the time of the restitution of the dowry allowance shall be made the husband from any marriage gifts legally bestowed upon him by the wife, subject to the provisions of this code concerning those in which there has been a separation of property, and cases of annulment of marriage in which bad faith has existed on the part of one of the spouses."

ART. 1380. "Should the marriage be dissolved by the death of the wife, the interest or fruits of the dowry to be restored shall accrue to her heirs from the day of dissolution of the marriage.

Should the marriage be dissolved by the death of the husband, the wife at her election may require the payment to her of the interest and fruits of the dowry for one year or that she be supported for an equal period at the cost of the estate of the husband. In any case, the widow's usufruct referred shall be paid for by the estate."

ART. 1381. "After the marriage has been dissolved, the resulting fruits or rents shall be divided pro rata between the surviving spouse and the heirs of the deceased in accordance with the rules which govern in the case of succession by testament."

CHAPTER IV.

PARAPHERNAL PROPERTY.

ART. 1382. "Paraphernal property is that which the wife brings in marriage without including it in the dowry and that which she may acquire after the celebration of a marry without adding it thereto."

ART. 1383. "The wife retains the ownership of the paraphernal property."

ART. 1384. "The husband cannot maintain actions of any kind whatsoever with respect to the paraphernal property, UNLESS the latter consents of the wife."

ART. 1385. "The wife shall have the management of the paraphernal property unless the law delivered the same to her husband before a notary, for the purpose of conferring its management upon him.

In such cases it shall be the duty of the husband to execute a contract for the value of any personalty which may be so delivered to him or otherwise receive it, the manner prescribed with respect to dowry property."

ART. 1386. "The fruits of the paraphernal property form part of the assets of the conjugal partnership, and are subject to the payment of the debts and expenses of the household.

The property itself shall also be liable, in cases falling under Article 1362, should that of the husband and the dowry property be insufficient to cover the liabilities referred to therein."

ART. 1386. "The fruits of the paraphernal property cannot be made subject to the payment of personal obligations of the husband, unless it be proved that such obligations redounded to the benefit of the family."

ART. 1387. "The wife, without the authorization of the husband, cannot alienate, encumber or mortgage the paraphernal property, or appear in court to litigate with regard to the same, unless she has been judicially authorized to do so."

CHAPTER V.

CONJUGAL PARTNERSHIP.

SECTION I. General Provisions.

ART. 1392. "By virtue of the conjugal partnership the earnings or profits obtained by either of the spouses during the marriage belong to the husband and the wife, share and share alike, upon its dissolution."

SECTION II. Separate Property of the Spouses.

ART. 1396. "The following is the separate property of each of the spouses:

1. That brought to the marriage as his or her own.
2. That acquired gratuitously by either of them during the marriage.
3. That acquired by right of re-purchase or by exchange for other property belonging to one of the spouses only.
4. That bought with money belonging exclusively to the wife or to the husband."

ART. 1398. "Property bestowed as a gift or left by will jointly to the spouses and with a designation of specific shares shall belong as dowry to the wife and as capital to the husband in the proportion fixed by the donor or testator; or, in the absence of such designation, by moieties, subject to the provisions of Article 637."

SECTION III. Property of the Conjugal Partnership.

ART. 1401. "To the conjugal partnership belongs:

1. Property acquired for a valuable consideration during the marriage at the expense of the common fund, whether the acquisition is made for the partnership or for one of the spouses only.
2. Property obtained by the industry, wages or work of the spouses or of either of them.
3. The fruits, income, or interest collected or accrued during the marriage, derived from the partnership property, or from that which belongs separately to either of the spouses."

The property itself shall also be liable, in cases falling under Article 1367, should that of the husband and the dowry property be insufficient to cover the liabilities referred to therein."

ART. 1366. "The fruits of the matrimonial property cannot be made subject to the payment of personal debts on one of the husband unless it be proved that such obligations redounded to the benefit of the family."

ART. 1367. "The wife, without the authorization of the husband, cannot alienate, encumber or mortgage the matrimonial property, or appear in court to litigate with regard to the same, unless she has been judicially authorized to do so."

CHAPTER V.

CONJUGAL PARTNERSHIP.

SECTION I. General Provisions.

ART. 1382. "By virtue of the conjugal partnership the marriage or profits obtained by either of the spouses during the marriage belong to the Husband and the wife, share and share alike, upon its dissolution."

SECTION II. Separate Property of the Spouses.

ART. 1383. "The following is the separate property of each of the spouses:

1. That brought to the marriage as his or her own.
2. That acquired gratuitously by either of them during the marriage.
3. That acquired by right of re-placement or by exchange for other property belonging to one of the spouses only.
4. That bought with money belonging exclusively to the wife or to the husband."

ART. 1384. "Property declared as a gift or left by will jointly to the spouses and with a declaration of equality shares shall belong as dowry to the wife and as capital to the husband in the proportion fixed by the donor or testator or, in the absence of such declaration, by relative, subject to the observations of Article 837."

SECTION III. Property of the Conjugal Partnership.

ART. 1385. "To the conjugal partnership belongs:

1. Property acquired for a valuable consideration during the marriage at the expense of the common fund, whether the acquisition is made for the partnership or for one of the spouses only.
2. Property obtained by the industry, wages or work of the spouses or of either of them.
3. The dowries, income, or interest collected or accrued during the marriage, derived from the paraphernal property, or from that which belongs separately to either of the spouses."

ART. 1403. "The right to a usufruct or periodical income, belonging to one of the spouses either in perpetuity or for life, shall form part of his or her separate property; but any fruits, income, or interest which fall due during the marriage shall be partnership property.

In this provision is included the usufruct which the spouses have in the property of their children, even though they be the issue of another marriage."

ART. 1406. "The earnings obtained by the husband or wife by gambling or by any other means which exempt them from restitution, shall belong to the conjugal partnership, without prejudice, in a proper case, to the enforcement of the provisions of the Penal Code."

ART. 1407. "All the property of the spouses shall be deemed partnership property in the absence of proof that it belongs exclusively to the husband or to the wife."

SECTION IV. Charges and Obligations of the Conjugal Partnership.

ART. 1408. "The conjugal partnership shall be liable for:

1. All the debts and obligations contracted during the marriage by the husband, and also for those contracted by the wife in the cases in which she can legally bind the partnership.
2. Any arrears or interest, matured during the marriage, upon obligations which affect either the separate property of the spouses or that of the conjugal partnership.
3. Any minor repairs, or repairs of mere upkeep, made during the marriage upon the separate property of the husband or the wife; extensive repairs shall not be chargeable to the partnership.
4. Extensive or minor repairs to the property of the partnership.
5. The support of the family and the education of the children born of the marriage and that of the legitimate children of either of the spouses."

ART. 1410. "The payment of debts contracted by the husband or by the wife before the marriage shall not be chargeable to the conjugal partnership.

Neither shall the payment of any fine or pecuniary penalties which may be imposed on either of them.

Nevertheless, the payment of debts contracted prior to the marriage by the husband or by the wife, and that of fines and pecuniary penalties imposed on either of them, may be enforced against the partnership property, after the charges mentioned in Article 1408 have been covered, if the debtor spouse should have no separate property, or if it is insufficient; but at the time of the liquidation of the partnership any payments made for the causes specified shall be charged to such spouse."

SECTION V. Management of the Conjugal Partnership.

ART. 1412. "The husband shall be the manager of the conjugal partnership, subject to the provisions of Article 59."

ART. 1413. "In addition to his powers as manager the husband may for a valuable consideration alienate and encumber the property of the conjugal partnership without the consent of the wife.

ART. 1403. "The right to a usufruct or territorial income, belonging to one of the spouses either in perpetuity or for life, shall form part of his or her separate property; but any fruits, income, or interest which fall due during the marriage shall be partnership property.

In this provision is included the usufruct which the spouses have in the property of their children, even though they be the issue of another marriage."

ART. 1404. "The earnings obtained by the husband or wife by dwelling or by any other means which exempt them from restitution, shall belong to the conjugal partnership, without prejudice, in a proper case, to the enforcement of the provisions of the Penal Code."

ART. 1405. "All the property of the spouses shall be deemed partnership property in the absence of proof that it belongs exclusively to the husband or to the wife."

SECTION IV. Charges and Obligations of the Conjugal Partnership.

ART. 1406. "The conjugal partnership shall be liable for

1. All the debts and obligations contracted during the marriage by the husband, and also for those contracted by the wife in the cases in which she can legally bind the partnership.

2. Any arrears or interest, matured during the marriage, upon obligations which affect either the separate property of the spouses or that of the conjugal partnership.

3. Any minor repairs, or repairs of mere upkeep, made during the marriage upon the separate property of the husband or the wife; extensive repairs shall not be chargeable to the partnership.

4. Extensive or minor repairs to the property of the partnership.

5. The support of the family and the education of the children of either of the spouses."

ART. 1407. "The payment of debts contracted by the husband or by the wife before the marriage shall not be chargeable to the conjugal partnership.

Neither shall the payment of any fine or pecuniary penalties which may be imposed on either of them.

Nevertheless, the payment of debts contracted prior to the marriage by the husband or by the wife, and that of fines and pecuniary penalties imposed on either of them, may be enforced against the partnership property, after the charges mentioned in Article 1408 have been covered, if the debtor spouse should have no separate property, or if it is insufficient; but at the time of the liquidation of the partnership any payments made for the causes specified shall be charged to such spouse."

SECTION V. Management of the Conjugal Partnership.

ART. 1412. "The husband shall be the manager of the conjugal partnership, subject to the provisions of Article 59."

ART. 1413. "In addition to his powers as manager the husband may for a valuable consideration alienate and encumber the property of the conjugal partnership without the consent of the wife.

Nevertheless, no alienation or agreement which the husband may make with respect to such property in contravention of this code or in fraud of the wife shall prejudice her or her heirs."

ART. 1416. "The wife cannot bind the property of the conjugal partnership without the consent of the husband.

Cases falling under Articles 1362, 1441, and 1442 are excepted from this rule."

SECTION VI. Dissolution of the Conjugal Partnership.

ART. 1417. "The conjugal partnership ceases upon the dissolution of the marriage or when it is declared void.

The spouse who, by reason of his or her bad faith, shall have given ground for the annulment of the marriage shall not receive any part of the property of the partnership.

The conjugal partnership shall also terminate in the cases mentioned in Article 1433."

SECTION VII. Liquidation of the Conjugal Partnership.

ART. 1418. "Upon the dissolution of the partnership an inventory shall immediately be made; but such inventory shall not be required for the liquidation:

1. If, after the partnership has been dissolved, one of the spouses or his or her successors in interest shall have renounced its effects and consequences in due time.
2. If there has been a separation of property before the dissolution of the partnership.
3. In the case to which the second paragraph of the next preceding article relates.

In case of renunciation, the right granted creditors by Article 1001 shall not be affected thereby."

ART. 1421. "After the inventory has been completed the dowry of the wife shall first be liquidated and paid in accordance with the rules established for its restitution by Section 3, Chapter 3, of this Title and subject to the provisions of the following articles."

ART. 1430. "The surviving spouse and his or her children shall be given an allowance for their support of the general estate, pending the liquidation of the inventoried estate, and until their share has been delivered to them, but it shall be deducted from their portion insofar as it exceeds what they may have been entitled to as fruits or income."

CHAPTER VI.

SEPARATION OF THE PROPERTY OF THE SPOUSES AND ITS MANAGEMENT BY THE WIFE DURING THE MARRIAGE.

ART. 1432. "In default of a specific declaration in the ante-nuptial contract, no separation of the property of the spouses shall take place during the marriage save by virtue of a judicial decree, except in the case provided for by Article 50."

Nevertheless, no allowance or agreement which the husband may make with respect to such property in contravention of this code or in fraud of the wife shall prejudice her or her heirs."

ART. 1412. "The wife cannot bind the property of the community irrevocably without the consent of the husband.

Cases falling under Articles 1000, 1401, and 1402 are excepted from this rule."

SECTION VII. Dissolution of the Conjugal Partnership.

ART. 1413. "The conjugal partnership ceases upon the dissolution of the marriage or when it is declared void.

The spouse who, by reason of his or her bad faith, shall have given ground for the annulment of the marriage shall not receive any part of the property of the partnership.

The conjugal partnership shall also terminate in the cases mentioned in Article 1382."

SECTION VII. Liquidation of the Conjugal Partnership.

ART. 1414. "Upon the dissolution of the partnership no inventory shall immediately be made but such inventory shall not be required for the liquidation.

1. If, after the partnership has been dissolved, one of the spouses or his or her successors in interest shall have removed its effects and commingled in no time.

2. If there has been a separation of property before the dissolution of the partnership.

3. In the case to which the second paragraph of the next preceding article relates.

In case of renunciation, the right granted ordinary by Article 1001 shall not be affected thereby."

ART. 1415. "After the inventory has been concluded the widow of the wife shall first be liquidated and paid in accordance with the rules established for the liquidation by Section 3, Chapter 3, of this Title and subject to the provisions of the following articles."

ART. 1416. "The surviving spouse and his or her children shall be given an allowance for their support at the general estate, pending the liquidation of the inventoried estate, out until their share has been delivered to them, but it shall be deducted from their portion insofar as it exceeds what they may have been entitled to as fruits or income."

CHAPTER VI.

LIQUIDATION OF THE PROPERTY OF THE SPOUSES AND ITS PARTITION.

ASSAULT OF THE WIFE DURING THE MARRIAGE.

ART. 1417. "In default of a specific declaration in the matrimonial contract, or otherwise of the property of the spouses shall take place during the marriage even by virtue of a judicial decree, except in the case provided for by Article

ART. 1433. "Either the husband or the wife may sue for a separation of property, and it shall be decreed whenever the spouse of the plaintiff shall have been condemned to a penalty which carries with it that of civil interdiction, or shall have been declared an absentee, or shall have given cause for divorce.

In order that such separation may be decreed, it shall be sufficient to present the final judgment rendered against the guilty or absent spouse in any one of the three cases above mentioned."

ART. 1434. "When a separation of property is decreed the conjugal partnership shall be thereupon dissolved and shall be liquidated in accordance with the provisions of this code.

Nevertheless, the husband and the wife shall owe each other support during the separation, and shall be required to contribute to the support and education of their children, all in proportion to their respective means."

ART. 1435. "The power to manage the property of the matrimonial estate, granted to the husband by this code, shall continue in force if the separation should have been granted at his instance; but, in such case, the wife shall not have any right to the subsequent profits, and the rights and obligations of the husband shall be governed by the provisions of Sections II and III, Chapter III of this title."

ART. 1436. "If the separation should have been granted at the instance of the wife by reason of the civil interdiction of the husband, the management of all the property of the marriage and the right to all the future profits shall be transferred to the wife, to the exclusion of the husband.

If the separation should be granted because the husband has been declared an absentee, or because he has given cause for divorce, the wife shall enter upon the management of her dowry and of all other property which may have been allotted to her as a result of the liquidation.

In all the cases referred to in this article the wife shall be obliged to comply with the provisions of the second paragraph of Article 1434."

ART. 1439. "If the separation should terminate by reconciliation, in cases of divorce, or because, in the other cases, the causes therefor have disappeared, the property of the marriage shall again be governed by the same rules as before the separation, without prejudice to that which may have been legally done during such separation.

At the time of the reunion the spouse shall specify in a public instrument the property which they bring anew to the marriage, and such property shall constitute the separate estate of each one of them respectively.

In the case mentioned in this article, all such property shall always be treated as property newly brought to the marriage, even though it be the same, either partially or wholly, that existed before the liquidation made by reason of the separation."

ART. 1441. "The management of the property belonging to the marriage shall be transferred to the wife;

ART. 1432. "Either the husband or the wife may sue for a separation of property, and it shall be decreed whenever the wrongful conduct of the plaintiff shall have been conducted to a penalty which carries with it that of civil interdiction, or shall have been declared an absentee, or shall have given cause for divorce.

In order that such separation may be decreed, it shall be sufficient to prove the final judgment rendered against the guilty or absent spouse by any one of the three cases above mentioned."

ART. 1434. "When a separation of property is decreed the matrimonial partnership shall be thereupon dissolved and shall be liquidated in accordance with the provisions of this code.

Nevertheless, the husband and the wife shall owe each other support during the separation, and shall be required to contribute to the support and education of their children, all in proportion to their respective means."

ART. 1436. "The power to manage the property of the matrimonial estate, granted to the husband by this code, shall continue in force if the separation should have been granted at his instance but, in such case, the wife shall not have any right to the usufruct profits, and the rights and obligations of the husband shall be governed by the provisions of Sections II and III, Chapter III of this title."

ART. 1438. "If the separation should have been granted at the instance of the wife by reason of the civil interdiction of the husband, the management of all the property of the marriage and the right to all the future profits shall be transferred to the wife, to the exclusion of the husband.

If the separation should be granted because the husband has been declared an absentee, or because he has given cause for divorce, the wife shall enter upon the management of her dowry and of all other property which may have been allotted to her as a result of the liquidation.

In all the cases referred to in this article the wife shall be obliged to comply with the provisions of the second paragraph of Article 1432."

ART. 1439. "If the separation should terminate by reconciliation, in case of divorce, or because, in the other cases, the causes therefor have disappeared, the liberty of the marriage shall again be governed by the same rules as before the separation, without prejudice to that which may have been legally done during such separation.

At the time of the reunion the spouse shall specify in a public instrument the property which they bring anew to the marriage, and such property shall constitute the separate estate of each one of them respectively.

In the case mentioned in this article, all such property shall always be treated as property brought to the marriage, even though it be the same, either partially or wholly, that existed before the liquidation made by reason of the separation."

ART. 1441. "The management of the property belonging to the marriage shall be transferred to the wife:

1. When she is the guardian of her husband in accordance with Article 220.

2. When she institutes proceedings to have her husband adjudged an absentee, in accordance with Articles 183 and 185.

3. In the case provided for by the first paragraph of Article 1436.

The courts shall also confer the management upon the wife, with such limitations as they may deem advisable, if the husband should be a fugitive from justice or should have been adjudged in default in a criminal cause, or, if, being absolutely disqualified for the administration, he should have taken no steps with respect thereto."

ART. 1443. "The management of her dowry shall be transferred to the wife in the case provided for in Article 225 or whenever the court so orders by virtue of the provisions of Article 1441; but she shall remain subject to the provisions of the second paragraph of Article 1434."

GENERAL PROVISION.

ART. 1444. "While the marriage subsists the wife, without judicial authorization, cannot alienate or encumber any real property which may have been allotted to her in case of separation, or any real property the management of which may have been transferred to her.

The authorization shall be granted whenever the advisability or necessity of the alienation has been proved.

When such alienation involves public securities or stock of commercial enterprises and companies and cannot be postponed without serious or imminent injury to the estate in administration, the wife, with the intervention of an agent or broker, may sell them, placing the proceeds in judicial deposit until the approval of the judge or court of competent jurisdiction has been obtained.

It shall be the duty of the agent or broker, upon his personal responsibility, to see that the deposit mentioned in the next preceding paragraph is made."

TITLE IV.

CONTRACT OF PURCHASE AND SALE.

CHAPTER II.

CAPACITY TO PURCHASE OR SELL.

ART. 1458. "The husband and the wife cannot sell property to each other, except in case a separation of property has been agreed upon or when a judicial separation of such property has been decreed in accordance with the provisions of Chapter VI, Title III, of this book."

1. When she is the guardian of her husband in accordance with Article 2320.

2. When she institutes proceedings to have her husband adjudged an absentee, in accordance with Articles 182 and 188.

3. In the case provided for by the first paragraph of Article 1438.

The courts shall also confer the management upon the wife, with such limitations as they may deem advisable, if the husband should be a fugitive from justice or should have been adjudged in default in a criminal cause, or, if, being absolutely disqualified for the administration, he should have taken to utter with respect thereto."

ART. 1443. "The management of her dowry shall be transferred to the wife in the case provided for in Article 2328 or whenever the court so orders by virtue of the provisions of Article 1881; but she shall remain subject to the provisions of the second paragraph of Article 1436."

GENERAL PROVISION.

ART. 1444. "While the marriage subsists the wife, without judicial authorization, cannot alienate or encumber any real property which may have been allotted to her in case of separation, or any real property the management of which may have been transferred to her."

The authorization shall be granted whenever the alienability or necessity of the alienation has been proved.

When such alienation involves public securities or stock of commercial enterprises and cannot and cannot be pledged without serious or imminent injury to the estate in administration, the wife, with the intervention of an agent or broker, may sell them, placing the proceeds in judicial deposit until the approval of the judge or court of competent jurisdiction has been obtained.

It shall be the duty of the agent or broker, upon his personal responsibility, to see that the formalities mentioned in the next preceding paragraph is made.

TITLE IV.

CONTRACT OF PURCHASE AND SALE.

CHAPTER IV.

CAPACITY TO PURCHASE OR SELL.

ART. 1445. "The husband and the wife cannot sell property to each other, except in case a separation of property has been agreed upon or when a judicial separation of such property has been decreed in accordance with the provisions of Chapter VI, Title III, of this book."

TITLE IX.

AGENCY.

CHAPTER I.

CHARACTER, FORM, AND KINDS OF AGENCY.

ART. 1716. "An emancipated minor may be an agent; but the principal shall have an action against him only in accordance with the provisions respecting the obligations of minors.

A married woman may accept an agency only by permission of her husband."

TITLE XIII.

COMPROMISES AND ARBITRATIONS.

CHAPTER I.

COMPROMISES.

ART. 1810. "A guardian cannot compromise with respect to the rights of a person who is subject to his guardianship, except in the manner prescribed in paragraph 12 or Article 269 and in Article 274 of this code.

The father or the mother, as the case may be, may compromise with respect to the property and rights of a child who is under his or her authority; but if the value of the thing involved in the compromise should exceed 2,000 pesetas, it shall be inoperative without judicial approval."

ART. 1811. "Neither the husband nor the wife can compromise with respect to dowry property and rights, except in the cases and with the formalities established for alienating or encumbering them."

TITLE XVI.

OBLIGATIONS INCURRED WITHOUT AGREEMENT.

CHAPTER II.

OBLIGATIONS WHICH ARISE FROM FAULT OR NEGLIGENCE.

ART. 1903. "The obligation imposed by the next preceding article is enforcible, not only for personal acts and omissions, but also for those of persons for whom another is responsible.

The father, and, in case of his death or incapacity, the mother, are liable for any damages caused by the minor children who live with them."

TRANSITORY PROVISIONS.

7. "Fathers, mothers, or grandparents who are exercising the guardianship of their descendants, cannot withdraw any securities therefor which they may have given, or be obliged to

TITLE IX.

AGENCY.

CHAPTER I.

CREATION, FORM, AND KINDS OF AGENCY.

ART. 1710. "An agency may be as broad as the principal shall have no notice against the only is necessary for principal's intention, or as limited as to bind him by contracts with the provisions restricting the stipulations of minors.

A married woman may accept an agency only by permission of her husband."

TITLE XIII.

CONFORMITY AND EXHIBITATIONS.

CHAPTER I.

CONFORMITY.

ART. 1811. "A creditor cannot compromise with respect to the rights of a person who is subject to his guardianship, except in the cases mentioned in Paragraph 2 of Article 299 and in Article 274 of this code.

The father or the mother, as the case may be, may compromise with respect to the property and rights of a child who is under his or her authority, but if the value of the thing involved is the conditions should exceed 3,000 pesetas, it shall be incumbrance without judiciary approval."

ART. 1812. "Neither the husband nor the wife can compromise even with the formalities established for alienating or encumbering them."

CHAPTER II.

OBLIGATIONS ARISING FROM FAULT OR NEGLIGENCE.

ART. 1902. "The obligation imposed by the next preceding article is enforcible, not only for personal acts and omissions, but also for those of persons for whom another is responsible.

The father, and, in case of his death or incapacity, the mother, are liable for any damages caused by the minor children who live with them."

TESTAMENTARY PROVISIONS.

"1. "Priests, notaries, or functionaries who are executing the guardianship of their testaments, cannot withdraw any provisions whatever which they may have given, or be obliged to

furnish such security, if not already given, or, to complete the same should that given be insufficient."

APPENDIX.

CHAPTER I.

MARRIAGE REQUISITES

SEC. 14. "Definition of habitual residence: For the purposes of this Act, the habitual residence of the female shall be deemed to be the residence of her parents or guardian, if such female is less than eighteen years of age, and if over said age, the place where she lived uninterruptedly for at least one year prior to the date of the application for the marriage license."

CHAPTER III.

CAUSES FOR ANNULMENT OF MARRIAGE

SEC. "Marriages between the following shall also be considered void:

(1) Between stepfathers and stepdaughters and stepmothers and stepsons.

(2) Between the adopting father or mother and the adopted; between the latter and the surviving spouse of the former, and between the former and the surviving spouse of the latter.

(3) Between the legitimate children of the adopter and the adopted.

(4) Between those who have been condemned as authors, or as the author and accomplice, of the death of the spouse of either of them."

SEC. 29. "Illegal marriages: Any marriage subsequently contracted by any person during the lifetime of the first spouse of such person with any person other than such first spouse shall be illegal and void from its performance, unless:

(1) The first marriage was annulled or dissolved.

(2) The first spouse had been absent for seven consecutive years at the time of the second marriage without the spouse present having news of the absentee being alive, or the absentee being generally considered as dead and believed to be so by the spouse present at the time of contracting such subsequent marriage, the marriage so contracted being valid in either case until declared null and void by a competent court."

ACT NO. 2710.

AN ACT TO ESTABLISH DIVORCE.

SEC. 1. "A petition for divorce can only be filed for adultery on the part of the wife or concubinage on the part of the husband, committed in any of the forms described in article four hundred and thirty-seven of the Penal Code."

SEC. 3. "The divorce may be claimed only by the innocent spouse, provided there has been no condonation of or consent to the adultery or concubinage, as the case may be. Where both spouses are guilty, a divorce cannot be claimed by either of them."

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further such security, if not already given, or, to complete the same should that given be insufficient."

APPENDIX.

CHAPTER I.

SEC. 19. "Definition of habitual residence." For the purposes of this Act, the habitual residence of the female shall be deemed to be the residence of her parents or guardian, if such female is less than six years of age, and if over said age, the place where she first lived continually for at least one year prior to the date of the application for the marriage license."

CHAPTER III.

SEC. "Marriage A" Between the following shall also be considered void:

(1) Between stepfathers and stepdaughters and stepmothers and stepsons.

(2) Between the adoptive father or mother and the adopted daughter or the latter and the surviving spouse of the former, and between the former and the surviving spouse of the latter.

(3) Between the legitimate children of the adopter and the adopted.

(4) Between those who have been convicted as adulterers, or as the author and accomplice, if the death of the slayer of either of them."

SEC. 20. "Illegal marriages. Any marriage subsequently contracted by any person during the lifetime of the first spouse of such person with any person other than such first spouse shall be illegal and void from its performance, unless

(1) The first marriage was annulled or dissolved.

(2) The first spouse had been absent for seven consecutive years at the time of the second marriage without the spouse having been known to the absentee being alive during such period, or the absentee was generally considered or took and believed to be by the spouse present at the time of contracting such subsequent marriage, the marriage so contracted being valid in either case until declared null and void by a competent court."

ACT NO. 3719.

AN ACT TO ESTABLISH DIVORCE.

SEC. 1. "A petition for divorce can only be filed for adultery on the part of the wife or concubinage on the part of the husband, and then only in any of the forms described in article four hundred and thirty-seven of the Penal Code."

SEC. 4. "The divorce may be claimed only by the innocent spouse, provided there has been no condonation of or consent to adultery or concubinage, as the case may be. Where both spouses are guilty, a divorce cannot be claimed by either of them."

SEC. 6. "After the filing of the petition for divorce, the spouses shall be entitled to live separately from each other and manage their respective property.

The husband shall continue to manage the community property; but if the court deem it proper, it may appoint another to manage said property, in which case the administrator shall have the same rights and duties as a guardian and shall not be allowed to dispose of the income nor of the capital except in accordance with the orders of the court."

SEC. 9. "The decree of divorce shall dissolve the community of property as soon as such decree becomes final, but shall not dissolve the bonds of matrimony until one year thereafter.

The bonds of matrimony shall not be considered as dissolved with regard to the spouse who, having legitimate children, has not delivered to each of them or to the guardian appointed by the court, within said period of one year, the equivalent of what would have been due to them as their legal portion if said spouse had died intestate immediately after the dissolution of the community of property."

SEC. 10. "The reconciliation of the spouses shall stop the proceedings and annul the decree, provided it takes place prior to the expiration of the period of one year mentioned in the last preceding section."

SEC. 11. "The dissolution of the bonds of matrimony shall have the following effects:

1. The spouses shall be free to marry again.
2. The minor children shall remain in the custody of the innocent spouse unless otherwise directed by the court in the interest of said minors, for whom said court may appoint a guardian.
3. The children shall, with regard to their parents, retain all rights granted to them by law as legitimate children; but upon the partition of the estate of said parents they shall bring to collation everything received by them under the provisions of the second paragraph of section nine."

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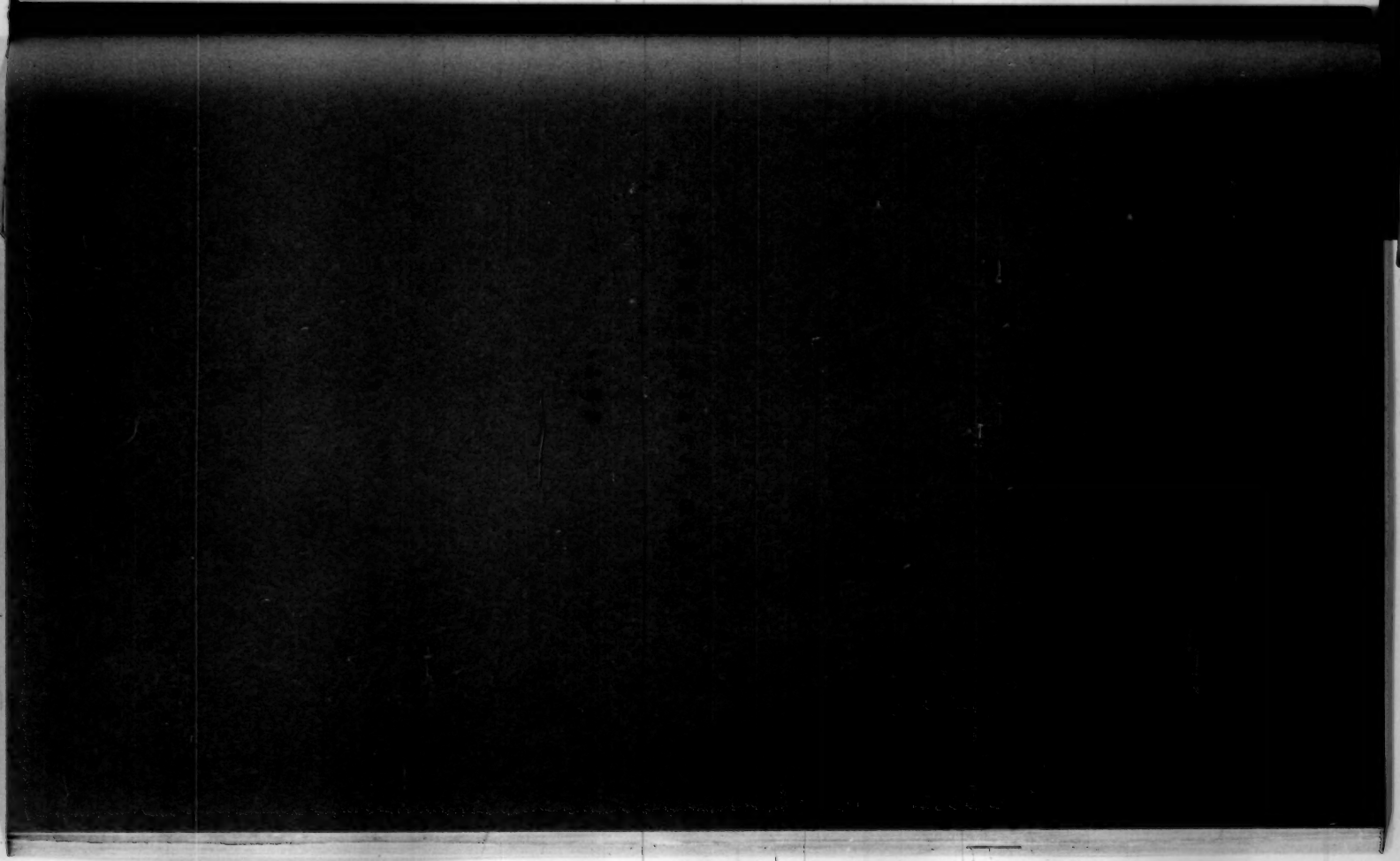

BOOK FIRST.

OF PERSONS

TITLE FIRST.

OF THE ENJOYMENT AND LOSS OF CIVIL RIGHTS.

CHAPTER I.

OF THE ENJOYMENT OF CIVIL RIGHTS.

ART. 8. (Law of June 26th, 1889.) "Every Frenchman shall enjoy civil rights."

(Repealed by Law of August 10, 1927, see p. 11.) ""Are "Are French.

1. Every individual born of a Frenchman, in France or a foreign country.

The natural child whose filiation is established during his minority, by acknowledgment or by judgment, follows the nationality of the parent in connection with whom the proof has first been made. If such filiation is established by the same instrument or judgment as regards the father or mother, the child follows the nationality of the father.

3. (Law of July 22nd, 1893.) Every individual born in France of foreign parents of whom one was born there; but subject to the privilege for such individual, if the mother is the one who was born in France, to disclaim French nationality, during the year following his coming of age, by complying with the provisions of paragraph 4 hereinafter.

May be naturalized:

4. An alien who has married a Frenchwoman, also after an authorized domicile of one year."

ART. 9. (Repeal by Law of August 10, 1927, see p. 11.) "Every individual born in France of an alien and who is not domiciled there, at the time of his majority, may, up to the full age of twenty-two years, undertake to establish his domicile in France, and if he establishes it, within a year from taking the engagement, he may claim French nationality by a declaration which, unless recorded at the Department of Justice, shall be void.

If the individual claiming French nationality is under the full age of twenty-one years, the declaration shall be made in his name by his father; in case of the latter's death by the mother; in case of death of the father and mother, or of their exclusion from the guardianship, or in the cases provided for by articles 141, 142 and 143 of the Civil Code, by the guardian duly authorized by decision of the family council."

ART. 12. (Repealed by law of August 10, 1927, see p. 11.) "A woman who is an alien and who has married a Frenchman follows the nationality of her husband.

A woman married to an alien who becomes French by naturalization, and the children of full age of a naturalized alien, may become French, if they apply therefor, without any obligation of residence, either by a decree conferring such nationality upon

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the husband, or the father, or the mother, or in consequence of a declaration made by them, in accordance with the terms and under the conditions set forth in article 9.

The minor children of a surviving father or mother who are naturalized, become French, unless, during the year following their majority, they decline such nationality, in accordance with the provisions of article 8 section 4."

ART. 13. (Repealed by law of August 10, 1927, see p. 11.) "An alien who has been authorized by decree to establish his domicile in France, shall enjoy all civil rights.

In case of his death before naturalization, the authorization and the period of residence which have followed shall count for the wife and children who were minors at the time of the decree granting such authorization."

CHAPTER II.

OF THE LOSS OF CIVIL RIGHTS.

Section I. Of the Loss of Civil Rights by the Loss of French Nationality.

ART. 18. (Repealed by law of August 10, 1927, see p. 11.) "A Frenchman who has lost his French nationality may recover it, provided he resides in France, by obtaining his reinstatement by decree. French nationality may be granted by the same decree to the wife and the children of full age, if they apply therefor. The minor children of the father or mother thus reinstated become French, unless they decline such nationality within the year following their majority, by complying with the provisions of article 8, paragraph 4."

ART. 19. (Repealed by law of August 10, 1927, see p. 11.) "A Frenchwoman who marries an alien follows the nationality of her husband, unless her marriage does not confer his nationality upon her, and in that event she remains French. If her marriage is dissolved by the death of her husband, or by divorce, she recovers her French nationality, with the authorization of the Government, provided she resides in France, or returns there, declaring her intention to remain.

In case the marriage is dissolved by the death of the husband, French nationality may, at the request of the mother, be bestowed upon the minor children, by the same decree of reinstatement or by a subsequent decree, if the application is made by the guardian, with the approval of the family council."

ON NATIONALITY.

ART. 1. (Law of August 10, 1927.) "Are French:

4. Every natural child of which the filiation is established, during his minority, by acknowledgment or judgment, when the person who is first proved to be his parent, is French.

If the filiation is established by the same instrument or the same judgment, as regards the father and the mother, the child follows the French nationality of the father.

Legitimation of a child who is a minor confers upon him the French nationality of his father, if he does not already possess it.

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the husband, or the father, or the mother, or in consequence of a declaration made by them, in accordance with the terms and under the conditions set forth in article 9.

The minor children of a surviving father or mother who are naturalized, become French, unless, during the year following their majority, they decline such nationality, in accordance with the provisions of article 8 section 4."

ART. 18. (Repealed by law of August 10, 1927, see p. 11.) "An alien who has been authorized by decree to establish his domicile in France, shall enjoy all civil rights.

In case of his death before naturalization, the authorization and the period of residence which have followed shall count for the wife and children who were minors at the time of the decree granting such authorization."

CHAPTER II.

OF THE LOSS OF CIVIL RIGHTS.

Section 1. Of the loss of Civil Rights by the loss of French nationality.

ART. 19. (Repealed by law of August 10, 1927, see p. 11.) "A Frenchman who has lost his French nationality may recover it, provided he resides in France, by obtaining his reinstatement by decree. French nationality may be granted by the same decree to the wife and the children of full age, if they apply therefor. The minor children of the father or mother thus reinstated become French, unless they decline such nationality within the year following their majority, by complying with the provisions of article 9, paragraph 4."

ART. 20. (Repealed by law of August 10, 1927, see p. 11.) "A Frenchwoman who marries an alien follows the nationality of her husband, unless by her marriage she does not confer his nationality upon her, and if she at once she remains French. If her marriage is dissolved by the death of her husband, or by divorce, she recovers her French nationality, with the authorization of the Government, provided she resides in France, or returns there, declaring her intention to reside.

In case the marriage is dissolved by the death of the husband, French nationality may, at the request of the mother, be restored upon the minor children, by the same decree of reinstatement or by the guardian, with the approval of the family council."

OF NATIONALITY.

ART. 1. (Law of August 10, 1927.) "Are French:

4. Every natural child of which the filiation is established, during his minority, by acknowledgment or judgment, when the person who is first owned to be his parent, is French.

If the filiation is established by the same instrument or the same judgment, as regards the father and the mother, the child follows the French nationality of the father.

Legitimation of a child who is a minor confers upon him the French nationality of his father, if he does not already possess it.

5. Every natural child born in France, when the father or mother, whose nationality he should follow, according to the terms of paragraph 4, first subdivision, was born there."

ART. 2. "Are French, subject to the privilege of declining such nationality, during the year following their majority, as fixed by French Law.

The privilege of repudiation is lost:

1. If, during the minority of the child, the surviving father or mother of the legitimate child, the surviving parent of the natural child, or the parent whose nationality such last named child follows have been naturalized or have been reinstated."

ART. 7. "The following persons may obtain naturalization, without the necessity of a residence; a woman of full age or under age married to an alien, who subsequently to the marriage acquires French citizenship, and the children of full age of such alien.

The children under age, legitimate or legitimated and unmarried of a surviving father or mother who is naturalized, or acquires French citizenship, by virtue of articles 3 and 4, become French.

The provisions of the two foregoing paragraphs do not apply:

1. To individuals who, being less than twenty-one years of age, have been sentenced to banishment, of which the effect has not been stayed.

2. To those who serve or have served in the armies of their country of origin; the latter however may apply for French citizenship, without the requirement of any residence, after the age of eighteen years.

Children under age who are married have the right to apply for French citizenship, without the requirement of any residence, after the age of eighteen years."

ART. 8. "A woman, who, being an alien, marries a Frenchman, only acquires French citizenship, upon her express application, or if in conformity with the provisions of the laws of her country, she follows necessarily the status of her husband.

A Frenchwoman who marries an alien retains her French nationality, unless she expressly declares that she wishes to acquire the nationality of her husband, in conformity with the provisions of the laws of his country.

She loses her French citizenship, if the husband and wife establish their first domicile, after the celebration of the marriage, outside of France, or if the woman acquires necessarily the nationality of her husband, by virtue of the laws of his country."

ART. 9. "The following persons lose their French nationality:

4. A Frenchman who, fulfilling abroad duties in a public service, retains them, notwithstanding the order given to him by the French Government to resign, within a specified time,

5. Every natural child born in France, when the father or mother, whose nationality he should follow, according to the terms of paragraph 4, first naturalized, was born there."

ART. 3. "Are French, subject to the privilege of declining such nationality, during the year following their majority, as fixed by French law.

The privilege of renunciation is lost:

1. If, during the minority of the child, the surviving father or mother of the legitimate child, the surviving parent of the natural child, or the parent whose nationality such last named child follows have been naturalized or have been reinstated."

ART. 7. "The following persons may obtain naturalization, without the necessity of a residence: a woman of full age or under age married to an alien, who subsequently to the marriage acquires French citizenship, and the children of full age of such alien.

The children under age, legitimate or legitimated and naturalized or surviving father or mother who is naturalized, or become French.

The provisions of the two foregoing paragraphs to not apply:

1. To individuals who, being less than twenty-one years of age, have been sentenced to punishment, of which the effect has not been stayed.

2. To those who serve or have served in the armies of their country of origin; the latter however may apply for French citizenship, without the requirement of any residence, after the age of eighteen years.

Children under age who are married have the right to apply for French citizenship, without the requirement of any residence, after the age of eighteen years."

ART. 8. "A woman, who, being an alien, marries a Frenchman, only acquires French citizenship, upon her express application, or if in conformity with the provisions of the laws of her country, she follows necessarily the status of her husband.

A Frenchwoman who marries an alien retains her French nationality, unless she expressly declares that she elects to acquire the nationality of her husband, in conformity with the provisions of the laws of his country.

She loses her French citizenship, if she husband and wife establish their first domicile, after the celebration of the marriage, outside of France, or if the woman acquires necessarily the nationality of her husband, by virtue of the laws of his country."

ART. 9. "The following persons lose their French nationality

4. A Frenchman who, fulfilling abroad duties in a public service, retains them, notwithstanding the order given to him by the French Government to resign, within a specified time,

This provision shall only extend to the wife and children under age, if a decision of the Civil Courts has intervened, in the manner specified in article 10."

ART. 11. "A person who has lost his French citizenship may recover it at any age, by decree, provided he resides in France and is duly represented or authorized, according to the conditions specified in article 3 paragraph 2, if he is under age.

French citizenship may be granted to the wife and children of full age, if they apply therefor. The children under age and unmarried of the surviving father or mother who has been reinstated become French, unless excluded, in consequence of the provisions of article 7, paragraph 4.

Natural children who are unmarried become French, under the conditions specified in article 7 paragraph 3, subject to the provisions of article 7 paragraph 4."

TEMPORARY PROVISIONS

ART. 14. "Every Frenchwoman who has married an alien, before the present Law took effect, may, if she has resided ordinarily since two years at least on French territory, recover her French nationality, by a declaration made before the Justice of the Peace of her domicile, or should she not have any, of her residence, during the year of the promulgation of the present Law.

However, these two conditions shall not be required in case of absence or disappearance of the husband, or his legal incapacity, or of separation from bed and board, or if, the husband and wife having actually been separated since one year, an action for a separation or absolute divorce has already been brought.

After the expiration of the time above specified, or in case of nonfulfilment of the conditions above set forth, as to domicile and residence, the wife who has lost her French citizenship, in consequence of her marriage to an alien can only be reinstated, according to the terms of article II of the present Law.

The foregoing provisions apply also to women from Alsace and Lorraine who were married to a foreign subject, previously to November 11, 1918, and who in consequence of their marriage, have not been reinstated, as a matter of right, as French citizens, by virtue of paragraph I of the annex to section 5 of part 3 of the Treaty of Versailles."

Section II. Of the Loss of Civil Rights

in consequence of Judicial sentences.

ART. 25. "By his civil death, the individual sentenced loses the ownership of all the property which he possessed; his succession becomes open for the benefit of his heirs, on whom his property devolves, in the same manner as in case of natural death and as if he had left no will.

He can no longer receive any inheritance, nor transmit in that way the property which he has acquired since then. He cannot dispose of his property wholly or in part, either by donation inter vivos or by will, nor receive anything in that way, excepting for nourishment. He cannot be appointed guardian nor take any part in matters relating to guardianship. He cannot be a witness to a solemn or public instrument, nor be admitted to give testimong in Court. He cannot sue in Court, either as defendant or

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This provision shall only extend to the wife and children under age, if a decision of the Civil Courts has intervened, in the manner specified in article 10."

ART. 11. "A person who has lost his French citizenship may recover it at any age, by decree, provided he resides in France and is only represented or authorized, according to the conditions specified in article 3 paragraph 3, if he is under age.

French citizenship may be granted to the wife and children of full age, if they apply therefor. The children under age and unmarried of the naturalized father or mother who has been relieved before coming of age, unless emancipated, in consequence of the provisions of article 7, paragraph 4.

Natural children who are unmarried become French, under the conditions specified in article 7 paragraph 3, subject to the provisions of article 7 paragraph 4."

TEMPORARY PROVISIONS

ART. 12. "Every Frenchwoman who has married an alien, before the present law took effect, may, if she has treated ordinarily since two years at least on French territory, recover her French nationality, by a declaration made before the justice of the peace of her domicile, or should she not have any, of her residence, during the year of the promulgation of the present law.

However, those two conditions shall not be required in case of absence or disappearance of the husband, or his legal incapacity, or of separation from bed and board, or if, the husband and wife having actually been separated since one year, an action for a separation or absolute divorce has already been brought.

After the expiration of the time above specified, or in case of nonfulfillment of the conditions above set forth, as to domicile and residence, the wife who has lost her French citizenship, in consequence of her marriage, to an alien can only be reinstated, according to the terms of article 11 of the present law.

The foregoing provisions apply also to women from Alsace and Lorraine who were married to a foreign subject, previously to November 11, 1918, and who in consequence of their marriage, have not been reclaimed, as a matter of right, as French citizens, by virtue of paragraph 1 of the annex to section 8 of part 3 of the Treaty of Versailles."

Section II. Of the loss of Civil Rights

in consequence of judicial sentence.

ART. 13. "By his civil death, the individual sentenced loses the ownership of all the property which he possessed; his succession becomes open for the benefit of his heirs, or whom his property devolves, in the same manner as in case of natural death and as if he had left no will.

He can no longer receive any inheritance, nor transmit in that way the property which he has acquired since then. He cannot dispose of his property wholly or in part, either by donation inter vivos or by will, nor receive anything in that way, except for nourishment. He cannot be stipulated guardian nor take any part in a council or public instrument, nor be admitted to give testimony in Court. He cannot sue in Court, either as plaintiff or

plaintiff, except in the name of and through a special curator appointed by the Court before which the action is brought. He cannot contract a marriage producing any civil effect. The marriage previously contracted by him is disolved as to all its civil effects. The husband or wife and the heirs can respectively exercise the rights and causes of actions which natural death gives rise to."

ART. 33. "The property acquired by the person so convicted, since the civil death has been incurred, and which he owns at the time of his natural death, shall belong to the State by escheatage.

Nevertheless, the King is at liberty to make, in favor of the widow, the children or the parents of the person so convicted, such provisions as humanity may suggest to him."

TITLE SECOND

OF RECORDS OF CIVIL STATUS.

CHAPTER I

GENERAL PROVISIONS.

ART. 34. (Law of October 28, 1922.) "The records of civil status shall mention the year, the day and the hour when they were made, the first names and name of the officer of civil status, the first names, names, occupation and residences of all persons mentioned therein.

The dates and places of birth:

1. Of the father and mother in the records of birth and of acknowledgment.

2. Of the child in the records of acknowledgment.

3. Of the husband and wife in the records of marriage.

4. Of the decedent in the records of death which shall be indicated, when known. If not known the age of such persons shall be designated by their number of years, and likewise in all cases the age of the appearers. As to the witnesses it shall only be stated whether they are of full age. Civ. C. 57 et seq. 76, 78 et seq., 85 et seq., 93 et seq."

ART. 37. (Law of December 7, 1897.) "Witnesses produced in connection with records of civil status must be twenty one years of age at least; they may be related or not and of either sex; they shall be selected by the interested parties. Civ. 56, 71, 75 et seq., 86 et seq."

ART. 46. "When no registers have existed or if they have been lost, proof shall be made by documents or by witnesses; and in such cases, marriages, births and deaths can be proved either by the books and papers emanating from a deceased father and mother or by witnesses. Civ. C. 194, 323 et seq., 1331, 1415."

TITLE SECOND

OF RECORDS OF CIVIL STATUS.

CHAPTER I

GENERAL PROVISIONS.

ART. 34. (Law of October 24, 1922.) "The records of civil status shall mention the year, day and hour when they were made, the first name and name of the officer of civil status, the first name, name, occupation and residence of all persons concerned therein.

The dates and places of birth:

1. Of the father and mother in the records of birth and of acknowledgment;

2. Of the child in the records of acknowledgment.

3. Of the husband and wife in the records of marriage.

4. Of the decedent in the records of death which shall be indicated, when known. If not known the age of such persons shall be designated by their number of years, and likewise in all cases the age of the witnesses. As to the witnesses it shall only be stated whether they are of full age. Civ. C. 57 et seq. 76, 78 et seq., 85 et seq., 93 et seq."

ART. 37. (Law of December 7, 1917.) "Witnesses produced in connection with records of civil status must be twenty one years of age at least; they may be related or not and of either sex; they shall be selected by the interested parties. Civ. C. 54, 71, 75 et seq., 85 et seq."

ART. 40. "When no registers have existed or if they have been lost, proof shall be made by documents or by witnesses; and in such cases, marriage, births and deaths can be proved either by the books and papers emanating from a deceased father and mother or by witnesses. Civ. C. 194, 323 et seq., 1321, 1416."

CHAPTER II.

OF RECORDS OF BIRTH.

ART. 56. "The birth of a child shall be declared by the father, or in default of the father, by the physicians, surgeons, midwives, health officers or other persons who may have been present at the confinement; and when the mother has been delivered away from her residence by the person in whose house she has been delivered."

ART. 57. (Law of February 7, 1924.) "Records of birth shall indicate the day, the hour and the place of birth, the sex of the child, and the first names which have been given to him, the first names, names, ages, occupations and residences of the father and mother, and, if need be, those of the applicant. If the father and mother, of a natural child or one of them have not been made known to the officer of civil status, nothing shall be mentioned in the registers in connection therewith."

(Law of November 30, 1906.) No one outside of the District Attorney, of the child, of his ascendants and descendants in the direct line, of the husband and wife, of a guardian or legal representative if the child is under age or in a state of incompetency, can obtain a full copy of a record of birth, unless it be his own, except by virtue of an authorization granted, without charge, by the Justice of the Peace of the district where the record has been made, and upon the written request of the interested party.

The custodians of the registers shall be obliged to deliver to all applicants extracts indicating the year, the day, the hour and the place of birth, the sex of the child, the first names given to him, the names, first names and occupation and residence of the father and mother as they appear from the declarations contained in the records of birth, or the marginal notes thereof and reproducing the statement called for by the last paragraph of article 76 of the Civil Code without other information. Civ. C. 34 et seq."

CHAPTER III.

OF RECORDS OF MARRIAGES.

ART. 63. (Law of April 8, 1927.) Before the celebration of a marriage, the officer of civil status shall make one publication by way of a notice posted at the door of the City Hall. Such publication shall state the first names, names, occupation, domiciles and residences of the future husband and wife and also the place where the marriage is to be celebrated. Civ. C. 40 et seq., 64 et seq., 97, 166 et seq., 192, 193, 388, 488."

ART. 70. (Law of July 11, 1929.) "The certificate of the record of birth handed by each of the future husband and wife to the officer of civil status who is to celebrate their marriage shall comply with the last paragraph of article 57 of the Civil Code, with the indication of the married status of the father and mother, if need be, or when the consent of the parents is required by law for the marriage, with the acknowledgment applying to the child."

ART. 71. (Law of July 11, 1929.) "The future husband or wife who is unable to procure such certificate may produce in its stead a certificate of identity delivered by the Justice of the Peace of his or her place of birth, or his or her domicile.

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CHAPTER II.

OF RECORDS OF BIRTH.

ART. 68. "The birth of a child shall be declared by the father, or in default of the father, by the physicians, surgeons, relatives, health officers or other persons who may have been present at the confinement; and when the mother has been delivered away from her residence by the person in whose house she has been delivered."

ART. 69. (Law of February 7, 1924.) "Records of birth shall indicate the day, the hour and the place of birth, the sex of the child, and the first names which have been given to him, the first name, names, age, occupations and residences of the father and mother, and, if need be, those of the witnesses. If the father and mother, of a natural child or one of them have not been made known to the officer of civil status, nothing shall be mentioned in the registers in connection therewith."

(Law of November 30, 1906.) No one outside of the District Attorney, of the child, of his ascendants and descendants in the direct line, of the husband and wife, of a guardian or legal representative if the child is under age or in a state of incompetency, can obtain a full copy of a record of birth, unless it be his own, except by virtue of an authorization granted, without charge, by the Justice of the Peace of the district where the record has been made, and upon the petition required of the interested party.

The custodians of the registers shall be obliged to deliver to all applicants extracts indicating the year, the day, the hour and the place of birth, the sex of the child, the first names given to him, the names, first names and occupation and residence of the father and mother as they appear from the declarations contained in the records of birth, or the marginal notes thereof and reproducing the statement called for by the last paragraph of article 70 of the Civil Code without other information. Civ. C. M et seq."

CHAPTER III.

OF RECORDS OF MARRIAGES.

ART. 63. (Law of April 6, 1909.) Before the celebration of a marriage, the officer of civil status shall make one publication by way of a notice posted at the door of the City Hall. Such publication shall state the first names, names, occupation, domicile and residence of the future husband and wife and also the place where the marriage is to be celebrated. Civ. C. 64 et seq., 65, 66 et seq., 97, 106 et seq., 152, 153, 368, 488."

ART. 70. (Law of July 11, 1920.) "The certificate of the record of birth bearing by each of the future husband and wife to the officer of civil status who is to celebrate their marriage shall comply with the last paragraph of article 57 of the Civil Code, with the indication of the married status of the father and mother, if need be, or when the consent of the parents is required by law for the marriage, with the acknowledgment alluding to the child."

ART. 71. (Law of July 11, 1920.) "The future husband or wife who is unable to procure such certificate may produce in its stead a certificate of identity delivered by the Justice of the Peace of his or her place of birth, or his or her domicile.

(Law of February 7, 1924.) The certificate of identity shall contain a declaration made by three witnesses, of either sex, related or not related, of the first names, names, occupation and domicile of the future husband and wife and of those of the father and mother of the same, if they are known; the place and as far as possible the time of the birth and the causes which prevent the production of a certificate thereof. The witnesses shall sign the certificate of identity with the Justice of the Peace, and if any of them cannot or do not know how to sign, a statement thereof shall be inserted. Civ. C. 70, 72, 155."

ART. 73. (Law of August 9, 1919.) "The authenticated instrument of consent of the father and mother, or grandfathers and grandmothers, or, in default of same, of the family council shall contain the first names, names, occupation and domicile of the future husband and wife and of all those who have been parties to the instrument and also the degree of their relationship."

ART. 74. (Law of June 21, 1907.) "The marriage shall be celebrated in the county of the domicile or residence of the husband or wife established by a continous habitation of one month at least upon the date of the publication specified by law. Civ. C. 102 et seq., 165 et seq., 191, 192."

ART. 75. (Law of August 9, 1919.) "Upon the day designated by the parties, after the expiration of the time for the publication, the officer of civil status shall read to the parties, in the City Hall, in the presence of two witnesses, related or not, the papers above mentioned relating to the civil status of the parties and to the formalities of the marriage and he shall also read articles 212, 213, and 214 of the Civil Code.

Nevertheless in case of serious impediment, the Republic's attorney of the locality where the marriage is to take place may enjoin the officer of civil status to proceed to the domicile or residence of one of the parties to celebrate the marriage. In case of imminent danger of death of either the future husband or wife, the officer of civil status may go there, before any order or authorization is given by the Republic's Attorney; but he must then notify him as soon as possible of the necessity of performing such celebration outside of the City Hall.

The officer of civil status shall ask the future husband and wife and, if they are under age, the ascendants present at the celebration and authorizing the marriage to declare whether a marriage contract has been made and, in the affirmative, the date of the contract and the name and place of residence of the notary who has drawn it up.

If the papers produced by either the husband or the wife are at variance as to the first names or the spelling of the names, he shall ask the one to whom they relate and if such one is under age, the closest ascendants present at the celebration, to declare whether the variance results from an omission or error. If the ascendants are not present they shall certify the identity in the consent given by them in legal form. The Tribunal which acts as family council shall, if need be, give the same attestation, in the certificate granting its consent. In case of death of the ascendants, the identity shall be validly attested, as regards minors, by the family council and, as to persons of full age, by their own declarations.

He shall receive from each party, one after the other, the declaration that they wish to take each other as husband and wife; he shall pronounce, in the name of the law, that they are united

by marriage, and he shall immediately draw up a record to that effect. Civ. C. 76, 165 et seq., 191, 212 et seq."

ART. 76. (Law of February 4, 1928.) "There shall be stated in the record of marriage:

1. The first names, names, occupation, ages, dates and places of birth, domicile and residence of the husband and wife.

2. The first names, names, occupation and domicile of the fathers and mother.

3. The consent of the fathers and mothers, grandfathers or grandmothers and that of the family council, whenever they are required.

4. The first names and names of the previous husband or wife of each of the parties, with the dates of death or divorce which has caused the dissolution of the marriage.

6. The declaration of the contracting parties that they take each other as husband and wife and the statement by the officer of civil status that they are married.

An entry of the celebration of the marriage shall be made in the margin of the records of birth of the husband and wife. Civ. C. 34 et seq., 49, 50 et seq., 63, 66 et seq., 73, 75, 88, 95, 99, 146, 148 et seq., 151 et seq., 159 et seq., 166 et seq., 172 et seq., 182, 183, 192, 1391, 1394."

CHAPTER IV.

OF RECORDS OF DEATH.

ART. 79. (Law of February 7, 1924.) "The record of death shall contain:

3. The first names, name, occupation and domicile of the father and mother.

4. The first names and names of the husband or wife, if the decedent was married, or a widower or widow, or divorced."

TITLE THIRD.

OF DOMICILE

ART. 108. "A married woman has no other domicile than that of her husband.

A minor not emancipated shall be domiciled with his father, mother or guardian; a person of full age under interdiction has his domicile with his guardian.

(Law of February 8, 1893.) A woman separated from bed and board ceases to have as her legal domicile the domicile of her husband.

Nevertheless in matters of personal status, all notices served upon a woman thus separated must also be served upon her husband, otherwise they shall be void. Civ. C. 12, 19, 214, 306, 311, 450, 489 et seq., 506 et seq."

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TITLE FOURTH.

OF ABSENTEES.

CHAPTER III.

OF THE EFFECTS OF ABSENCE.

SECTION I.

OF THE EFFECTS OF ABSENCE IN CONNECTION WITH THE PROPERTY WHICH THE ABSENTEE OWNED AT THE TIME OF HIS DISAPPEARANCE.

ART. 124. "The husband or wife having community rights, if either of them elects to continue the community, can prevent the granting of temporary possession and the temporary use of all rights depending upon the death of the absentee, and assume and retain, in preference to others, the administration of the property of the absentee. If the husband or wife asks for the temporary dissolution of the community he or she shall be entitled to his or her rights to take back and to all his or her legal and conventional rights, on condition of giving security for the things subject to restitution.

The wife who elects to continue the community shall retain the right to renounce it thereafter. Civ. C. 120, 1453 et seq., 1492 et seq., 2011 et seq."

ART. 126. "Those who have obtained temporary possession, or the husband or wife who has elected to continue the community, shall cause an inventory of the personal property and securities of the absentee to be made, in the presence of the King's Attorney (Republic's Attorney) of the Tribunal of First Instance, or of a Justice of the Peace called in by the King's Attorney (Republic's Attorney)."

ART. 129. "If the absence has lasted thirty years, since temporary possession has been granted, or since the time when the husband or wife having community rights has assumed the administration of the property of the absentee, or if one hundred full years have elapsed since the birth of the absentee, the sureties shall be discharged; all the interested parties may demand the distribution of the absentee's property and apply to the Tribunal of First Instance for a judgment granting final possession. Civ. C. 120, 130 et seq."

SECTION III.

OF THE EFFECTS OF ABSENCE IN CONNECTION WITH MARRIAGE.

ART. 139. "The absentee whose husband or wife marries again, is the only person who shall be entitled to attack such marriage, in his or her own name, or by his or her attorney-in-fact holding proof that he or she is alive. Civ. C. 147, 184, 187 et seq., 312."

ART. 140. "If a married person who is absent has left no relatives entitled to his or her succession, his wife or her husband may ask to be placed into temporary possession of the property. Civ. C. 120, 767, 1427."

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TITLE FOURTH.

OF ABSENTEES.

CHAPTER III.

OF THE EFFECTS OF ABSENCE.

SECTION I.

OF THE EFFECTS OF ABSENCE IN CONNECTION

WITH THE PROPERTY WHICH THE ABSENTEE OWNED

AT THE TIME OF HIS DISAPPEARANCE.

ART. 134. "The husband or wife having community rights, if either of them elects to continue the community, can demand the granting of temporary possession and the temporary use of all rights belonging upon the death of the absentee, and accruing and vested, in preference to others, the administration of the property of the absentee. If the husband or wife asks for the temporary alienation of the community be or she shall be entitled to his or her rights to take part as to all his or her legal and conventional rights, on condition of giving security for the things subject to restitution.

The wife who elects to continue the community shall retain the right to renounce it thereafter. Civ. C. 1pc, 1402 et seq., 1402 et seq., 1411 et seq."

ART. 135. "Those who have obtained temporary possession, or the husband or wife who has elected to continue the community, shall cause an inventory of the personal property and securities of the absentee to be made, in the presence of the King's Attorney (Republic's Attorney) of the Tribunal of first instance, or of a justice of the peace called in by the King's Attorney (Republic's attorney)."

ART. 136. "If the absence has lasted thirty years, since temporary possession has been granted, or since the time when the husband or wife having community rights has exercised the administration of the property of the absentee, or if he or she has lived full years since his birth of the absentee, the succession shall be discovered; all the interested parties may demand the distribution of the absentee's property and apply to the Tribunal of first instance for a judgment granting final possession. Civ. C. 129, 134 et seq."

SECTION III.

OF THE RIGHTS OF ABSENCE IN CONNECTION WITH MARRIAGE.

ART. 137. "The absentee whose husband or wife marries again, is the only person who shall be entitled to attack such marriage, in his or her own name, or by his or her attorney-in-fact holding proof that he or she is alive. Civ. C. 147, 184, 190 et seq., 193."

ART. 138. "If a married person who is absent for lots to relatives entitled to his or her succession, his wife or husband can be placed into temporary possession of the property. Civ. C. 114, 727, 1422."

CHAPTER IV.

OF THE CARE OF MINOR CHILDREN OF A FATHER WHO HAS DISAPPEARED.

ART. 141. "If a father has disappeared leaving minor children born of the same marriage, the mother shall take care of them and shall enjoy all the rights of the husband, in connection with their education and the administration of their property. Civ. C. 149, 150, 155, 371 et seq., 389."

ART. 142. "Six months after the disappearance of the father, if the mother was dead, at the time of such disappearance, or if she happens to die before the absence of the father is declared, the family council shall confer the care of the children upon the closest ascendants, or in default of same to a temporary guardian. Civ. C. 155 et seq., 402 et seq., 405."

ART. 143. "The same rule shall apply, if the husband or wife who has disappeared leaves minor children born of a previous marriage."

TITLE FIFTH.

OF MARRIAGE.

CHAPTER I.

OF THE QUALIFICATIONS AND CONDITIONS REQUIRED TO CONTRACT MARRIAGE.

ART. 144. "A male, until the completion of his eighteenth year, and a female, until the completion of her fifteenth year, cannot contract marriage. Civ. C. 170, 184, 185."

ART. 146. "There is no marriage when there is no consent. Civ. C. 174, 180 et seq., 201 et seq., 502 et seq., 1109."

ART. 147. "No one can contract a second marriage before the dissolution of the first. Civ. C. 139, 170, 181, 184 et seq., 187, 201 et seq., 227 et seq."

ART. 148. (Law of July 17, 1927.) "Minors cannot contract marriage without the consent of their father and mother; in case of disagreement between the father and mother, such disagreement implies consent."

ART. 149. (Law of February 7, 1924.) "If one of the two is dead, or is unable to express his or her decision, the consent of the other is sufficient.

It is not necessary to produce the record of death of the father or mother of either the future husband or wife, when the surviving husband or wife, or the father and mother of the decedent certify under oath that the death has occurred.

If the present residence of the father or mother is unknown, or if no news of them has been received since a year, the marriage can be celebrated, if the child and his father or mother who consents to the marriage, makes a declaration under oath to that effect."

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ART. 150. (Law of July 17, 1927.) "If the father and mother are dead or if they are unable to express their decision, the grandfathers and grandmothers take their place; in case of disagreement between a grandfather and grandmother, in the same line, or in case of disagreement between the two lines such disagreement amounts to a consent.

(Law of February 7, 1924.) If the present residence of the father and mother is unknown and if no news has been received from them since a year, the celebration of the marriage may take place, if the grandfathers and grandmothers, together with the child, make a declaration under oath, to that effect. The same rule applies when one or more of the grandparents give their consent to the marriage and the present residence of the others is unknown and no news has been received from them, since a year. Civ. C. 73, 182 et seq."

ART. 151. (Law of February 7, 1924.) "The production of a certified copy merely giving the enacting part of a judgment which declares the absence, or which has ordered an investigation as to the absence of the father, mother, grandfathers or grandmothers of either the future husband or wife, is equivalent to the production of their records of death, in the cases specified in articles 149, 150, 154, 158, 159 and 160 of the Civil Code."

ART. 152. (Repealed by Law of July 17, 1927.) "In case of disagreement between parents who are divorced or separated from bed and board, the consent of the husband or wife in whose favor the divorce or separation has been granted and who has the custody of the child is sufficient.

If these two conditions are not fulfilled, the father or mother who consents to the marriage may summon the other to appear before the Tribunal of First. Instance sitting in its Private Room; the Tribunal having jurisdiction shall be the one of the domicile of the person who has the custody of the child; the decision shall be given at a public hearing and shall be final."

ART. 153. (Law of June 20, 1896.) "The ascendant serving a term of banishment, or kept in the colonies, in accordance with article 6 of the law of May 30, 1854, in consequence of a sentence to hard labor, shall be in the same position as the one who is unable to signify his decision. Nevertheless the future husband and wife shall always have the right to solicit and produce to the officer of civil status the consent given by such ascendant."

ART. 154. (Law of July 17, 1927.) "The children who have reached the full age of twenty-one years and until the full age of twenty-five years must prove that they have the consent of their father and mother, or the survivor of them. In case of consent of the father or mother, the celebration of the marriage shall take place.

If no such consent is given, the interested party shall notify his father and mother or the survivor of them, of the intended marriage, through a notary acting without the assistance of a second notary or of witnesses.

(Law of February 7, 1924.) The instrument containing the notice shall be marked as stamped and registered without charge, and shall give the first names, names, occupation, domicile and residence of the future husband and wife, of their fathers and mothers and also the place where the marriage is to be celebrated.

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ART. 180. (Law of July 17, 1924.) "If the father and mother are dead or if they are unable to express their decision, the grandfather and grandmother take their place; in case of disagreement between a grandfather and grandmother, in the same line, or in case of disagreement between the two lines such disagreement results in a consent."

(Law of February 7, 1924.) If the present residence of the father and mother is unknown and if no news has been received from them since a year, the celebration of the marriage may take place, if the grandfather and grandmother, together with the child, make a declaration under oath, to that effect. The same formality when one of the grandparents give their consent to the marriage and the present residence of the others is unknown and no news has been received from them, since a year. Civ. C. 73, 135 et seq."

ART. 181. (Law of February 7, 1924.) "The production of a certified copy merely giving the essential part of a judgment which declares the absence, or which has ordered an investigation as to the absence of the father, mother, grandfathers or grandmothers of either the future husband or wife, is equivalent to the production of their records of death, in the cases specified in articles 140, 180, 184, 185 and 186 of the Civil Code."

ART. 182. (Repealed by law of July 17, 1924.) "In case of disagreement between parents who are divorced or separated from bed and board, the consent of the husband, or wife in whose favor the divorce or separation has been pronounced and who has the custody of the child is sufficient."

If these two conditions are not fulfilled, the father or mother who consents to the marriage may oppose to appear before the Tribunal of First. Instance sitting in its Private Room; the Tribunal having jurisdiction shall be the one of the domicile of the person who has the custody of the child; the decision shall be given at a public hearing and shall be final."

ART. 183. (Law of June 20, 1908.) "The succeeding solving a case of parliament, or sent in the colonies, in consequence with article 6 of the law of May 20, 1924, in consequence of a sentence to hard labor, shall be in the same position as the one who is unable to signify his decision. Nevertheless the future husband and wife shall always have the right to solicit and procure to the officer of civil status the consent given by such ascendant."

ART. 184. (Law of July 17, 1924.) "The children who have reached the full age of twenty-one years and until the full age of twenty-five years must prove that they have the consent of their father and mother, or the survivor of them. In case of disagreement between the father or mother, the celebration of the marriage shall take place.

If no such consent is given, the interested party shall notify his father and mother or the survivor of them, of the intended marriage, through a notary acting without the assistance of a second notary or of witnesses.

(Law of February 7, 1924.) The instrument containing the notice shall be marked as stamped and registered without charge, and shall give the first names, names, occupation, domicile and residence of the future husband and wife, of their fathers and mothers, and also those where the marriage is to be celebrated.

It shall also contain the declaration that such notice is given to them for the purpose of obtaining their consent and that in default of same, the celebration of the marriage shall be proceeded with.

(Law of July 17, 1927.) If notwithstanding such notice, the father and mother or the survivor of them refuse their consent, the celebration of the marriage can only take place fifteen full days after the notice."

ART. 155. (Law of February 7, 1924.) "In case of absence of the father and mother to whom the notice specified in article 154 is to be made, or if there is no judgment which has declared the absence or ordered an investigation as to the absence, the celebration of the marriage of persons of full age shall take place, upon their declaration under oath, that the present residence of their father and mother is unknown to them and that since a year, no news has been received from them. Civ. C. 70 et seq., 115 et seq., 141 et seq."

ART. 156. (Law of June 21, 1907.) "The officers of civil status who have celebrated marriages contracted by sons or daughters who have not reached the full age of twenty-one years, without the consent of their fathers and mothers, or of their grandfathers and grandmothers and of the family council, when it is required, being mentioned in the record of marriage, shall, at the instigation of the interested parties or of the Republic's Attorney of the Tribunal of First Instance of the district where the marriage has been celebrated, be sentenced to the fine specified in article 192 of the Civil Code. Civ. C. 3, 148."

ART. 158. (Law of March 10, 1913.) "The natural child lawfully acknowledged who has not reached the full age of twenty-one years, cannot contract a marriage, without having obtained the consent of the one of his father or mother who has acknowledged him, or of the two, if he has been acknowledged by both.

(Law of July 17, 1927.) In case of disagreement between the father and mother, such disagreement is equivalent to a consent."

ART. 159. (Law of March 10, 1913.) "If there are no father or mother or grandfathers or grandmothers, or if they are unable to express their wish, the minors under twenty-one years of age cannot contract marriage, without the consent of the family council.

The natural child who has not been acknowledged and the one who after being acknowledged has lost his father and mother or of whom the father and mother cannot express their wish, can only marry, before the full age of twenty-one years, when he has obtained the consent of the family council, as specified in article 389 paragraph 13 of the Civil Code. Civ. C. 389, 405 et seq., 502."

ART. 160. (Law of February 7, 1924.) "If the present residence of the parents of the minor, under twenty-one years of age, of whom the death is not established, is unknown, or if such parents have not been heard from since a year, the minor shall make a declaration under oath, to that effect, before the Justice of the Peace of his residence, in the private chamber of such Justice, his clerk being present, and the Justice of the Peace shall make a record thereof."

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It shall also contain the declaration that each notice is given to them for the purpose of obtaining their consent and that in default of same, the celebration of the marriage shall be proceeded with.

(Law of July 17, 1927.) It notwithstanding such notice, the father and mother or the survivor of them refuse their consent, the celebration of the marriage can only take place fifteen full days after the notice."

ART. 152. (Law of February 7, 1920.) "In case of absence of the father and mother to whom the notice mentioned in article 151 is to be made, or if there is no judgment which declares the absence or orders an investigation as to the absence, the celebration of the marriage of persons of full age shall take place, upon their declaration made publicly, that the consent or advice of their father and mother is unknown to them and that neither of them has been receive from them. Civ. C. 70 et seq., 119 et seq., 141 et seq."

ART. 153. (Law of June 21, 1927.) "The officers of civil status who have celebrated marriages contracted by sons or daughters who have not reached the full age of twenty-one years, without the consent of their fathers and mothers, or of their grandfathers and grandmothers and of the family council, when it is required, before entering in the record of marriage, shall, at the instance of the first-named relative or of the Republic's Attorney of the Tribunal of First Instance of the district where the marriage has been celebrated, be sentenced to the fine specified in article 192 of the Civil Code. Civ. C. 3, 198."

ART. 154. (Law of March 10, 1928.) "The natural child lawfully acknowledged who has reached the full age of twenty-one years, cannot contract marriage, without having obtained the consent, if the one of his father or mother who has acknowledged him, or of the two, if he has been acknowledged by both.

(Law of July 17, 1927.) In case of disagreement between the father and mother, such disagreement is equivalent to a consent."

ART. 155. (Law of March 10, 1928.) "If there are no father or mother or grandfather or grandmother, or if they are unable to express their wish, the minors under twenty-one years of age cannot contract marriage, without the consent of the family council.

The natural child who has not been acknowledged and the one who after being acknowledged has lost his father and mother or of whom the father and mother cannot express their wish, can only marry, before the full age of twenty-one years, when he has obtained the consent of the family council, as specified in article 389 paragraph 12 of the Civil Code. Civ. C. 3, 158, 458 et seq., 505."

ART. 156. (Law of February 7, 1920.) "If the present residence of the parents of the minor, under twenty-one years of age, or of whom the death is not established, is unknown, or if such parents have not been heard from since a year, the minor shall make a declaration under oath, to that effect, before the justice of the peace of his residence, in the private chamber of such justice, his clerk being present, and the justice of the peace shall make a record thereof."

ART. 161. "Marriage is prohibited in the direct line between all legitimate or natural ascendants and descendants and in the connections by marriage, in the same line. Civ. C. 184, 187, 190, 201 et seq., 334, 736 et seq."

ART. 162. (Law of July 1, 1914.) "In the collateral line marriage is prohibited between a legitimate or natural brother and sister. It is prohibited between connections by marriage of the same degree, when the marriage which establishes the connection is dissolved in consequence of a divorce. Civ. C. 184, 187, 190, 201 et seq., 736."

ART. 163. "Marriage is also prohibited between uncle and niece, aunt and nephew. Civ. C. 184, 187, 190, 201, 202."

ART. 164. (Law of April 16, 1832.) "Nevertheless the King (the President of the Republic) may for serious reasons, withdraw the prohibitions contained in article 162 to marriages between brothers-in-law and sisters-in-law, and in article 163 to marriages between uncle and niece, aunt and nephew. Civ. C. 145."

CHAPTER II.

OF THE FORMALITIES RELATING TO THE CELEBRATION OF MARRIAGE.

ART. 168. (Law of August 9, 1919.) "If the future husband and wife or one of them are minors, the banns shall be published at the Town Hall of the domicile of the ascendants, under whose authority they are, in connection with the marriage. Civ. C. 148 et seq., 372, 388."

CHAPTER III.

OF OPPOSITIONS TO MARRIAGES.

ART. 172. "The right to oppose the celebration of a marriage belongs to the person united by marriage to one of the two contracting parties. Civ. C. 66 et seq., 147."

ART. 173. (Law of August 9, 1919.) "The father, the mother and in default of the father and mother, the grandfathers and grandmothers may oppose the marriage of their children and descendants, even of full age.

After a judicial withdrawal of an opposition to a marriage made by an ascendant, no new opposition emanating from an ascendant is receivable and can delay its celebration. Civ. C. 66 et seq., 148."

ART. 174. "If there is no ascendant, the brother or sister, the uncle or aunt, a first cousin of full age can only enter an opposition in the following two instances:

2. When the opposition is based upon the state of insanity of the future husband or wife; such opposition, of which the Tribunal may order the absolute withdrawal, shall never be receivable, unless the opposing party applies for interdiction and obtains a judgment, within the time specified by the Court. Civ. C. 489 et seq."

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ART. 163. "Marriage is prohibited in the direct line between all legitimate or natural ascendants and descendants and in the collateral line by marriage, in the same line. Civ. C. 164, 167, 1074, 1075 et seq., 1394, 1758 et seq."

ART. 164. (Law of July 1, 1914.) "In the collateral line marriage is prohibited between a legitimate or natural brother and sister. It is permitted between connections by marriage of the same degree, when the marriage which occasioned the connection is dissolved by the decease of a spouse. Civ. C. 164, 167, 187, 201 et seq., 206."

ART. 165. "Marriage is also prohibited between uncle and niece, aunt and nephew. Civ. C. 166, 167, 180, 201, 202."

ART. 166. (Law of April 16, 1908.) "Nevertheless the King (the President of the Republic) may for serious reasons, authorize the prohibitions contained in article 163 to marriage between brother-in-law and sister-in-law, and in article 164 to marriages between uncle and niece, aunt and nephew. Civ. C. 162."

CHAPTER II.

OF THE FORMALITIES RELATING TO THE

CELEBRATION OF MARRIAGE.

ART. 167. (Law of August 9, 1919.) [illegible] and city [illegible] and also of those who [illegible] at the house shall be published at the Town Hall of the domicile of the ascendants, under whose authority they are, in connection with the petition. Civ. C. 168 et seq., 173, 388."

CHAPTER III.

OF OPPOSITIONS TO MARRIAGES.

ART. 172. "The right to oppose the celebration of a marriage belongs to the person united by marriage to one of the two contracting parties. Civ. C. 66 et seq., 182."

ART. 173. (Law of August 5, 1914.) "The father, the ascendants and in default of the father and mother, the grandfathers and grandmothers may oppose the marriage of their children and descendants, even of full age.

After a judicial withdrawal of an opposition to a marriage made by an ascendant, no new opposition emanating from an ascendant is receivable and can delay its celebration. Civ. C. 66 et seq., 182."

ART. 174. "If there is no ascendant, the brother or sister, the uncle or aunt, a first cousin of full age can only enter an opposition in the following two instances:

1. When the opposition is based upon the state of insanity of the future husband or wife of such opposition, of which the tribunal may order the absolute withdrawal, shall never be receivable, unless the accusing party applies for interdiction and obtains a judgment, within the time specified by the Court. Civ. C. 489 et seq."

CHAPTER IV.

OF ACTIONS FOR ANNULMENT OF MARRIAGES.

ART. 180. "A marriage which has been contracted without the free consent of the husband and wife, or of one of them, can only be attacked by the husband and wife or by the one whose consent was not freely given.

When there has been a mistake as to the person, the marriage can only be attacked by the one of the parties who has been deceived. Civ. C. 146, 201 et seq., 1109."

ART. 181. "In the case specified in the foregoing article, the action for annulment can no longer be maintained whenever there has been continous cohabitation during six months since the husband or wife has acquired his or her full freedom, or since the mistake has been discovered by him or her. Civ. C. 185, 191, 196."

ART. 182. "A marriage contracted without the consent of the father and mother, of the ascendants or of the family council, when such consent was necessary, can only be attacked by those whose consent was required or by the one of the husband or wife who needed such consent. Civ. C. 148 et seq., 187, 201, 202."

ART. 183. "An action for annulment can no longer be instituted by the husband or wife or by the parents whose consent was required, whenever the marriage has been expressly or tacitly approved of by those whose consent was necessary, or whenever one year has elapsed since they have had knowledge of the marriage, without objection on their part. Nor can it be instituted by the husband or wife, when one year has elapsed without objection on his or her part, since he or she has reached the age at which he or she could consent to the marriage of his or her own accord. Civ. C. 148."

ART. 184. "Any marriage contracted in violation of the provisions contained in articles 144, 147, 161, 162, and 163, can be attacked either by the husband and wife themselves or by all the interested parties, or by the Public Prosecutor. Civ. C. 139 et seq., 190, 201, 202, 348."

ART. 185. "Nevertheless the marriage contracted by the husband and wife who have not reached the requisite age, or of whom one of the two has not reached that age, can no longer be attacked:

1. When six months have elapsed since such one of them or both have reached the requisite age.

2. When the wife who has not reached that age, has conceived before the expiration of six months. Civ. C. 144."

ART. 186. "The father, the mother, the ascendants and the family when they have consented to the marriage contracted in the case specified in the foregoing article, shall not be entitled to sue for its annulment."

ART. 187. "In all cases in which an action for annulment can be instituted, in accordance with article 184, by all the interested parties, such action cannot be brought by collateral relatives or by the children born of another marriage, in the lifetime of the husband and wife, unless they have a vested and existing interest. Civ. C. 174."

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CHAPTER IV.

OF ACTIONS FOR ANNULMENT OF MARRIAGES.

ART. 187. "A marriage which has been contracted without the free consent of the husband and wife, or of one of them, can only be attacked by the husband and wife or by the one whose consent was not freely given.

When there has been a mistake as to the person, the marriage can only be attacked by the one of the parties who has been deceived. Civ. C. 180, 181 et seq., 1109."

ART. 188. "In the case specified in the foregoing article, the action for annulment can no longer be maintained whenever there has been cohabitation during six months since the husband or wife has acquired his or her full freedom, or since the mistake has been discovered by him or her. Civ. C. 180, 181, 182."

ART. 189. "A marriage contracted without the consent of the father and mother, of the ascendants or of the family council, when such consent was necessary, can only be attacked by those who needed such consent. Civ. C. 148 et seq., 182, 183, 376."

ART. 190. "An action for annulment can no longer be instituted by the husband or wife or by the persons whose consent was required, whenever the marriage has been expressly or tacitly approved of by those whose consent was necessary, or whenever one year has elapsed since they have had knowledge of the marriage, without opposition on their part. Nor can it be instituted by the husband or wife, when one year has elapsed without objection on his or her part, since he or she has resumed the age at which he or she could consent to the marriage of his or her own accord. Civ. C. 182."

ART. 191. "Any marriage contracted in violation of the provisions contained in articles 184, 187, 189, and 190, can be attacked either by the husband and wife themselves or by all the interested parties, or by the Public Prosecutor. Civ. C. 120 et seq., 180, 181, 182, 366."

ART. 192. "Notwithstanding the marriage contracted by the husband and wife who have not reached the requisite age, or at whose one of the two has not reached that age, can no longer be attacked:

1. When six months have elapsed since each one of them or both have reached the requisite age.

2. When the wife who has not reached that age, has conceived before the expiration of six months." Civ. C. 184."

ART. 193. "The father, the mother, the ascendants and the family when they have consented to the marriage contracted in the case specified in the foregoing article, shall not be entitled to sue for its annulment."

ART. 194. "In all cases in which an action for annulment can be instituted, in accordance with article 184, by all the interested parties, such action cannot be brought by collateral relatives or by the children born of another marriage, in the lifetime of the husband and wife, unless they have a vested and existing interest. Civ. C. 184."

ART. 188. "The husband or wife to whose detriment a second marriage has been contracted, can apply for its annulment, even during the lifetime of the husband or wife to whom he or she was united. Civ. C. 139, 147, 201, 202."

ART. 189. "If the newly married husband and wife set up that the first marriage is void, the validity or annulment of that marriage must first be passed upon."

ART. 190. "The King's Attorney (Republic's Attorney) can and shall apply for the annulment of the marriage, during the lifetime of the husband and wife, and for a judgment ordering them to separate, in all cases to which article 184 refers and in accordance with the restrictions contained in article 185. Civ. C. 139 et seq., 199 et seq."

ART. 191. "Every marriage which has not been publicly contracted and which has not been celebrated in the presence of the proper public official, can be attacked by the husband and wife, by the father and mother, the ascendants and all those having an existing and vested interest, as also by the Public Prosecutor. Civ. C. 63 et seq., 75 et seq., 165."

ART. 194. "No one can claim the status of husband or wife and the civil effects of marriage, unless he or she produces a record of celebration inscribed in the register of civil status; except in the cases specified in article 46, under the title Of Records of Civil Status. Civ. C. 40, 46, 75 et seq."

ART. 195. "Common repute shall not relieve the alleged husband and wife who may respectively avail themselves of it, from producing the record of the celebration of the marriage, before the officer of civil status. Civ. C. 40, 46, 321."

ART. 196. "When common repute exists and the record of celebration of the marriage is produced, neither the husband nor the wife is entitled to ask for the annulment of such record. Civ. C. 321, 322."

ART. 197. "Nevertheless, if, in the case mentioned in articles 194 and 195, there are children born of two persons who have openly lived as husband and wife and who are both dead, the legitimacy of the children cannot be contested for the sole reason that the record of celebration is not produced, whenever the legitimacy is established by common repute, which is not contradicted by the record of birth. Civ. C. 319 et seq."

ART. 198. "When the proof of the legal celebration of the marriage is established by the result of criminal proceedings, the recording of the judgment in the registers of civil status gives the marriage all its legal effects, from the day of its celebration, both as regards the husband and wife, as in favor of the children born of the marriage. Civ. C. 40, 49, 99 et seq., 326, 327."

ART. 199. "If the husband and wife or one of them have died, without having discovered the fraud, a criminal action may be brought by all those who are interested in having the marriage declared valid, and by the King's Attorney (Republic's Attorney). Civ. C. 326, 327."

ART. 201. "A marriage which has been declared to be void produces, nevertheless, civil effects, both as regards the husband and wife and as regards the children, when it was contracted in good faith. Civ. C. 144 et seq., 161 et seq., 180 et seq., 191 et seq., 334."

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ART. 202. "If only the husband or the wife acted in good faith, the marriage only produces its civil effects as regards the one who has so acted and the children born of the marriage."

CHAPTER V.

OF THE OBLIGATIONS RESULTING FROM MARRIAGE.

ART. 203. "The husband and wife, by the sole fact of the marriage, assume mutually the obligation of feeding, supporting and educating their children. Civ. C. 349, 384, 852, 1409, 1448, 1558."

ART. 204. "A child has no claim against his father and mother for his establishment by marriage or otherwise. Civ. C. 852, 1540."

ART. 205. (Law of March 9, 1891.) "Children owe nourishment to their father and mother and other ascendants who are in want. The succession of a predeceased husband or wife owes nourishment, in the same case, to the surviving husband or wife. The time within which it can be claimed is one year from the death, and in case of partition, it extends until the same is ended."

ART. 206. (Law of August 9, 1919.) "Sons-in-law and daughters-in-law owe likewise, under the same circumstances, nourishment to their father-in-law and mother-in-law, but such obligation ceases when the husband or wife, owing to whom the affinity existed, and the children born of his or her marriage with such husband or wife are dead. Civ. C. 1558."

ART. 211. "The Tribunal can also decide whether the father or mother who offers to receive, feed and keep in his or her home the child to whom he or she owes nourishment, shall in that case be exonerated from paying such nourishment."

CHAPTER VI.

OF THE RESPECTIVE RIGHTS AND DUTIES OF HUSBAND AND WIFE.

ART. 212. "Husband and wife owe each other fidelity, support and assistance. Civ. C. 75, 203 et seq., 229 et seq., 306 et seq., 1388 et seq."

ART. 213. "The husband owes protection to his wife; a wife obedience to her husband. Civ. C. 1388."

ART. 214. "The wife is obliged to live with her husband and to follow him wherever he deems proper to reside; the husband is obliged to receive her and to supply her with all that is necessary for the wants of life, according to his means and position. Civ. C. 108, 203 et seq., 268, 306, 1388, 1448, 1537."

ART. 215. "A wife cannot sue in Court without the consent of her husband, even if she is a public trader or if there is no community, or in case of a separation of property. Civ. C. 344, 776, 905, 934, 940, 1029, 1124, 1304, 1388, 1449, 1538, 1576, 2208."

ART. 216. "The husband's consent is not necessary when the wife is prosecuted criminally, or in a police Court. Civ. C. 226, 1424, 1998, 2139."

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ART. 202. "If only the husband or the wife needs a good lawyer, the marriage only produces its civil effects as regards the one who has no merit and the children born of the marriage."

CHAPTER V.

OF THE OBLIGATIONS RESULTING FROM MARRIAGE.

ART. 203. "The husband and wife, by the sole fact of the marriage, assume mutually the obligation of feeding, supporting and educating their children. Civ. C. 340, 384, 800, 1409, 1464, 1558."

ART. 204. "A child has no claim against his father and mother for his establishment by marriage or otherwise. Civ. C. 852, 1440."

ART. 205. (Law of March 6, 1891.) "Children owe nourishment to their father and mother and other ascendants who are in want. The succession of a predeceased husband or wife owes nourishment, in the same form, to the surviving husband or wife. The nine months which it can be claimed in one year from the death, and in case of partition, it extends until the same ends."

ART. 206. (Law of August 6, 1912.) "Sons-in-law and daughters-in-law owe likewise, under the same circumstances, nourishment to their father-in-law and mother-in-law, but such obligation ceases when the husband or wife, owing to whom the affinity existed, and the children born of his or her marriage with such husband or wife are dead. Civ. C. 1056."

ART. 207. "The Tribunal can also decide whether the father or mother who offers to receive, feed and keep in his or her home the child to whom he or she owes nourishment; shall in that case be exonerated from paying such nourishment."

CHAPTER VI.

OF THE RESPECTIVE RIGHTS AND DUTIES OF HUSBAND AND WIFE.

ART. 208. "Husband and wife owe each other fidelity, succor and assistance. Civ. C. 78, 212 et seq., 229 et seq., 306 et seq., 1388 et seq."

ART. 209. "The husband owes protection to his wife; a wife obedience to her husband. Civ. C. 1388."

ART. 210. "The wife is obliged to live with her husband and to follow him wherever he deems proper to reside; the husband is obliged to receive her and supply her with all that is necessary for the wants of life, according to his means and position. Civ. C. 108, 200 et seq., 306, 1388, 1449, 1452, 1479, 1626."

ART. 211. "A wife cannot sue in Court without the consent of her husband, even if she is a public trader or if there is no community, or in case of a separation of property. Civ. C. 361, 776, 905, 914, 1428, 1434, 1504, 1449, 1452, 1479, 1626."

ART. 212. "The husband is exempt in the necessary when the wife is prosecuted criminally, or in a police Court. Civ. C. 328, 1449, 1452, 2139."

ART. 217. "A wife, even when there is no community or in case of separation of property, cannot give, convey, mortgage or acquire property with or without consideration, without her husband joining in the instrument or without his written consent. Civ. C. 213, 215, 219, 225, 344, 362, 776, 905, 934, 940, 1029, 1124 et seq., 1304, 1388, 1426, 1427, 1431, 1449, 1535, 1538, 1555 et seq., 1576, 1940, 1990, 2253 et seq."

ART. 218. "If a husband refuses to allow his wife to sue, the Judge may grant the authorization. Civ. C. 1576, 2208."

ART. 219. "If a husband refuses to allow his wife to execute an instrument, the wife can have her husband summoned summarily before the Tribunal of First Instance of the district of the common domicile, and such Tribunal can grant or refuse its consent in the Judge's Chamber, after the husband has been heard or has been duly cited to appear."

ART. 220. "A wife may, if she is a public trader, bind herself without the husband's consent in connection with the things which relate to her trade, and in that case she also binds her husband, if there is community of property between them.

She is not considered to be a public trader if she only retails the goods of her husband's business, but only when she has a separate business. Civ. C. 1426."

ART. 221. "When a husband has been sentenced to a punishment with degrading corporal effects, even by a default, a wife although a full age cannot, during the continuance of the sentence, sue in Court nor bind herself, unless she has been authorized by the Judge who may, in such a case grant the consent without her husband having been heard or summoned. Civ. C. 1413, 1417, 1426 et seq."

ART. 222. "If a husband has been interdicted or is absent the Judge may, after ascertaining the facts, authorize the wife to sue in Court or to bind herself.

(Law of February 7, 1924.) It shall likewise be so if a husband has been convicted for abandoning his family. Civ. C. 120 et seq., 140 et seq., 489, 502, 2208."

ART. 223. "Any general authorization, even given in a marriage contract, is only valid as to the management of the wife's property. Civ. C. 388, 1508, 1538, 1988."

ART. 224. "If the husband is a minor, the wife must have the authorization of the Judge either to sue in Court or to bind herself. Civ. C. 481, 2208."

ART. 225. "A cause of nullity based on a want of authorization can only be set up by the wife, the husband on their heirs. Civ. C. 942, 1125, 1241, 1304, 1312, 1413, 1417 et seq., 1449, 1555."

ART. 226. "A wife can make a will without her husband's consent. Civ. C. 893, 895, 905, 940, 969, 1096."

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ART. 217. "A wife, even when living in community of property with her husband, cannot alienate, convey, encumber or lease her property with or without consideration, without the husband joining in the instrument or without his written consent. Civ. C. 216, 218, 219, 220, 744, 1236, 1237, 1239, 1240, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281,

CHAPTER VII.

OF THE DISSOLUTION OF MARRIAGE.

ART. 227. "A marriage is dissolved:

1. By the death of the husband or wife.

2. By a divorce lawfully decreed.

3. (Repealed by law of May 31, 1854.) By a final sentence against the husband or wife to a conviction occasioning civil death."

CHAPTER VIII.

OF SECOND MARRIAGES.

ART. 228. (Law of August 9, 1919.) "A wife cannot contract a second marriage until ten months have elapsed, since the dissolution of the previous marriage.

(Law of February 4, 1928.) The President of the Civil Tribunal of the district in which a marriage is to be celebrated may, by an order upon a simple petition shorten the time specified in the present article and by article 296 of the present Code, when it distinctly appears from the circumstances that since three hundred days the previous husband has not cohabited with his wife. Civ. C. 139, 164, 188, 296 et seq., 386."

TITLE SIXTH.

OF DIVORCE.

CHAPTER I.

OF CAUSES OF DIVORCE.

ART. 229. "A husband may sue for a divorce on account of his wife's adultery. Civ. C. 306, 312 et seq."

ART. 230. (Law of July 27, 1844.) "A wife may sue for a divorce on account of her husband's adultery."

ART. 231. "Both parties may sue for a divorce on account of violence, cruelty, or gross insults, on the part of the one towards the other. Civ. C. 306."

ART. 232. (Law of July 27, 1844.) "A sentence against a husband or wife inflicting a degrading corporal punishment shall be for the other a cause of divorce."

ART. 233. (Repealed by Law of July 27, 1844.) "The mutual and continuous consent of the husband and wife expressed in the manner specified by law under the conditions and after the trials which it prescribes, shall be sufficient proof that life in common is unbearable and that a peremptory cause of divorce exists between them."

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CHAPTER II.

OF THE PROCEDURE OF DIVORCE.

SECTION I.

OF PROCEEDINGS OF DIVORCES.

ART. 234. (Law of April 18, 1886.) "A husband or wife who wishes to bring an action for divorce presents his or her petition personally to the President of the Tribunal or the Judge acting as such.

If it is duly established that the person cannot attend, the Judge accompanied by his clerk shall go to the domicile of the husband or wife who is the plaintiff.

In case of legal interdiction resulting from a judgment, the petition for divorce can only be presented by the guardian at the request or with the consent of the interdicted person."

ART. 236. (Law of April 18, 1886.) "The Judge may in the order granting leave to issue a citation authorize the husband or wife who is the plaintiff to have a separate residence, indicating, if it is the wife, the place of the temporary residence. Civ. C. 307."

ART. 237. (Law of April 18, 1886.) "The petition and order written out at the head of the citation are served upon the husband or wife who is the defendant three days at least before the day named for the appearance, exclusive of the time allowed for distances; the citation shall be void unless all this has been done."

ART. 238. (Law of April 18, 1886.) "Upon the day appointed the Judge hears the parties in person; if it is impossible for one of them to attend before the Judge, he selects a place where the reconciliation shall be attempted or issues a commission to hear the defendant; in case a reconciliation is not effected or in case of default he makes an order reciting that there is no reconciliation or a default, and authorizes the plaintiff to bring suit.

The Judge if necessary grants a new order respecting the residence of the plaintiff husband or wife, the provisional custody of the children, the delivery of personal effects and he may also, if necessary, pass upon applications for alimony.

In consequence of such an order, the wife is authorized to institute all proceedings for the preservation of her rights and to sue in Court, until the termination of the suit and of the proceedings resulting therefrom.

When the case is before the Court the provisional measures ordered by the Judge can be changed or completed during the pendency of the suit by judgment of the Tribunal, without prejudice to the right which the Judge always has of granting new orders at Chambers, respecting the residence of the wife.

The plaintiff, husband or wife, in a divorce suit must make use of the leave granted by the order of the Presiding Justice to issue the citation, within a period of twenty days from the date of such order.

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ART. 238. (Law of April 18, 1886.) "Upon the day appointed the Judge hears the parties in person; if it is impossible for one of them to attend before the Judge, he selects a place where the reconciliation shall be attempted or issues a commission to hear the defendant; in case a reconciliation is not effected or in case of default he makes an order reciting that there is no reconciliation or a default, and authorizes the plaintiff to bring suit.

The Judge if necessary grants a new order respecting the residence of the plaintiff husband or wife, the provisional custody of the children, the delivery of personal effects and he may also, if necessary, pass upon applications for alimony.

In consequence of such an order, the wife is authorized to institute all proceedings for the preservation of her rights and to sue in Court, until the termination of the suit and of the proceedings resulting therefrom.

When the case is before the Court the provisional measures ordered by the Judge can be changed or completed during the pendency of the suit by judgment of the Tribunal, without prejudice to the right which the Judge always has of granting new orders at Chambers, respecting the residence of the wife.

The plaintiff, husband or wife, in a divorce suit must make use of the leave granted by the order of the Presiding Justice to issue the citation, within a period of twenty days from the date of such order.

In case the husband or wife has not made use of such leave within the said time, the provisional measures ordered for his or her benefit cease, as a matter of right. Civ. C. 307."

ART. 241. (Law of April 18, 1888.) "The wife is obliged to prove that she has resided in the house selected, whenever she is called upon to do so; if so fails to make such proof, the husband can refuse to pay alimony, and if the wife is the plaintiff in the divorce suit, he can ask that it be decided that she is not entitled to continue the proceedings."

ART. 242. (Law of April 18, 1886.) "Both the husband and wife can from the time of the first order and with the permission of the Judge, given upon condition of referring back the matter to him, take protective measures for the preservation of his or her rights, such as applying to have seals affixed on property of the community.

The same right belongs to the wife, even when there is no community, for the preservation of such of her property as the husband has the administration or enjoyment of.

The seals shall be removed upon the application of the more diligent party; the chattels and securities shall be inventoried and appraised, and the husband or wife who is in possession of them shall be appointed provisional custodian, unless it is otherwise ordered."

ART. 243. (Law of April 18, 1886.) "Any obligation contracted by the husband for which the community is made responsible, any conveyance made by him of real estate forming part thereof, after the date of the order referred to in article 235, shall be declared to be void, if it is moreover proved that the same has been made or consented to for the purpose of defrauding the wife or her rights."

ART. 244. (Law of April 18, 1886.) "A suit for divorce comes to an end by the reconciliation of the husband and wife which has taken place, either since the facts alleged in the complaint have occurred or since such complaint.

In both cases it shall be declared that the plaintiff's action is dismissed; such plaintiff can nevertheless introduce a new action for a cause arising or discovered since the reconciliation, and he or she can avail himself or herself of the former causes in support of the new application.

(Law of June 26, 1919.) A divorce suit is also ended by the death of the husband or wife which has occurred before the judgment has become final. Civ. C. 307."

ART. 246. (Law of April 18, 1886.) "When the suit for divorce has been brought for any other cause than the one mentioned in article 232, the Tribunal may, even if the grievances are sufficiently established, refrain from granting the divorce immediately.

If the husband and wife have not become reconciled after the time fixed by the Tribunal, each of them can have the other cited to appear before the Tribunal within the time allowed by law, for the purpose of hearing the Court grant the divorce."

ART. 252. (Law of June 26, 1919.) "The transcription is made in the name of the party who has obtained the divorce and at the instigation of his solicitor, under penalty of a fine of 100 francs for the latter.

A judgment or decree on appeal which has become final extends back, as to its effects regarding the property of the husband and wife, to the day of the complaint; but it only operates as against third parties from the day of the transcription."

ART. 259. "When the action for divorce has been brought for violence, cruelty or gross insults, the Judges may, even if the grievances are sufficient, refuse to grant the divorce immediately. In such a case, before granting the relief they shall authorize the wife to leave her husband without being obliged to receive him, if she chooses; and they shall order the husband to pay her alimony in proportion to his means, if the wife has not herself a sufficient income to provide for her wants."

ART. 260. "After a test of one year, if the parties have not come together again, the plaintiff, husband or wife, can have the other cited to appear before the Tribunal within the time specified by law to hear the Court give its final judgment, which shall then grant the divorce."

ART. 261. "When the divorce is applied for on the ground that the husband or wife has been sentenced to a degrading corporal punishment the only formalities to be complied with shall be to present to the Tribunal of First Instance a duly certified copy of the decision containing the sentence, with a certificate of the clerk of the Court establishing that the decision can no longer be modified by ordinary legal means. The certificate of the clerk must be certified by the Attorney or the Republic's Attorney."

ART. 264. "In consequence of any judgment granting a divorce which has been given by the highest Court or has become final, the husband or wife who has obtained it shall be obliged to appear within a period of two months before the officer of civil status to have the divorce pronounced, the other party having been duly cited."

ART. 266. "The husband or wife who is the plaintiff and who has allowed the period of two months above referred to elapse without summoning the other before the Officer of Civil Status, shall lose the benefit of the judgment obtained and shall only be able to begin another action for divorce for a new cause; in such case, however, former causes may be brought forward by him."

SECTION II.

OF THE PROVISIONAL MEASURES WHICH AN ACTION OF DIVORCE MAY GIVE RISE TO.

ART. 267. "The provisional custody of the children shall belong to the husband whether plaintiff or defendant, in a divorce case, unless the Tribunal makes a different order at the request, either of the mother or the family, or of the Public Prosecuter, for the greater benefit of the children."

ART. 268. "The wife, whether plaintiff or defendant in a divorce suit may leave the domicile of her husband during the proceedings, and ask for alimony in proportion to the means of the husband. The Tribunal designates the house where the wife shall be obliged to reside and fixes, if necessary, the alimony which the husband shall be obliged to pay to her."

ART. 269. "The wife shall be obliged to prove that she has resided in the house designated, whenever she may be called upon so to do; if she fails to make such proof the husband can refuse to pay the alimony, and if the wife is the plaintiff in the divorce suit, he can ask that it be decided that she shall not be entitled to continue the proceedings."

ART. 270. "The wife, whether plaintiff or defendant in a divorce suit, whose property is in common, can at all stages of the case, from the date of the order specified in article 238, ask that seals be affixed upon the property of the community for the protection of her rights. Such seals shall only be removed when an inventory with appraisal is taken and the husband shall be obliged to produce the things which have been inventoried or to answer for their value as legal custodian."

ART. 271. "Any obligation contracted by the husband for account of the community, any conveyance of real estate forming part thereof which he has made after the date of the order mentioned in article 238 shall be declared void, if it is also established that the same has been made or contracted for the purpose of defrauding the wife of her rights."

SECTION III.

OF EXCEPTIONS IN ACTION FOR DIVORCE.

ART. 272. "An action for divorce shall come to an end by the reconciliation of the husband and wife which has taken place, either since the facts which might have given the right to maintain such action have occurred or since the action for divorce has been brought."

ART. 273. "In either case, it shall be decided that the plaintiff is not entitled to maintain his action; he may nevertheless bring a new action for a cause which has arisen since the reconciliation; and he can then make use of the former causes, in support of his new action."

ART. 274. "If a plaintiff in a divorce suit denies that there has been a reconciliation, the defendant shall have to prove it, either by writings or by witnesses in the manner prescribed in the first section of the present chapter."

CHAPTER III.

OF DIVORCE BY MUTUAL CONSENT.

ART. 275. "The mutual consent of the husband and wife shall not be sufficient if the husband is less than twenty-five years of age, or if the wife is a minor of less than twenty-one years."

ART. 276. "Mutual consent shall only be sufficient after two years of marriage."

ART. 277. "It shall no longer be sufficient after twenty years of marriage, nor when the wife is forty-five years of age."

ART. 278. "The mutual consent of the husband and wife shall never be sufficient if it is not authorized by their fathers and mothers or by their other living ascendants, according to the rules specified in article 150 of the title 'Of Marriage'."

ART. 279. "The husband and wife who are determined to obtain a divorce by mutual consent shall be obliged previously therete to make an inventory and appraisal of all their property, personal and real, and to adjust their respective rights, as to which nevertheless they are free to compromise."

ART. 270. "The wife, whether plaintiff or defendant in a divorce suit, whose property is in control, can at all stages of the case, from the date of the order specified in article 130, sue that same be sequestered for the community for the restoration of her rights. Such suits shall only be removed when an inventory with appraisal in taxes and the bondsmen shall be obliged to produce the things which have been injured or to answer for their value as legal custodians."

ART. 271. "Any obligation contracted by the husband for account of the community, any conveyance of real estate formed part thereof which he has made after the date of the order mentioned in article 130 shall be declared void, if it is also established that the same has been made or contracted for the purpose of defrauding the wife of her rights."

SECTION III.

OF EXCEPTIONS IN ACTIONS FOR DIVORCE.

ART. 272. "An action for divorce shall cease to an end by the reconciliation of the husband and wife which has taken place, either since the facts which might have given the right to maintain such action have occurred or since the action for divorce has been brought."

ART. 273. "In either case, it shall be decided that the plaintiff is not entitled to maintain his action, he may introduce before the end of the case which has arisen since the reconciliation; and in the case that one of the former causes, in support of his action."

ART. 274. "If a plaintiff in a divorce suit denies that there has been a reconciliation, the defendant shall have to prove it, either by witness or by witnesses in the manner prescribed in the first section of the present chapter."

CHAPTER VII.

OF DIVORCE BY MUTUAL CONSENT.

ART. 275. "The mutual consent of the husband and wife shall not be sufficient if the husband is less than twenty-five years of age, or if the wife is a minor of less than twenty-one years."

ART. 276. "Mutual consent shall only be sufficient after two years of marriage."

ART. 277. "It shall no longer be sufficient after twenty years of marriage, nor when the wife is forty-five years of age."

ART. 278. "The mutual consent of the husband and wife shall never be sufficient if it is not strengthened by their latest and motives or by their other living ascendants, according to the rules specified in article 148 of the 'Title of Marriage.'"

ART. 279. "The husband and wife who are determined to obtain a divorce by mutual consent shall be obliged previously thereto to make an inventory and appraisal of all their property, personal and real, and to submit their respective claims, as to which separation shall be free to contribute."

ART. 280. "They shall likewise be obliged to state in writing what they have agreed, as to the three following points:

1. To whom the children born of their marriage shall be confided, either during the time of the test or after the divorce is pronounced.

2. To which house the wife shall retire to reside during the time of the test.

3. What sum the husband shall pay to the wife during such time, if she has not sufficient means to provide for her wants."

ART. 281. "The husband and wife shall present themselves together and personally before the Civil Tribunal of their district or before the Judge acting as such, and shall make a declaration of their intention, in the presence of two notaries brought by them."

ART. 282. "The Judge shall make to the husband and wife together and to each of them separately, in the presence of the two notaries, such representations and recommendations as he shall deem proper. He shall read to them chapter IV of the present title which regulates the effects of divorces and shall explain to them all the consequences of the step they have taken."

ART. 283. "If the husband and wife persist in their determination, the Judge shall record that they seek a divorce and mutually consent thereto; and they shall be obliged to produce and to deposit immediately in the hands of the notaries, in addition to the instruments mentioned in articles 279 and 280:

1. Their records of birth and marriage.

2. The records of birth and death of all the children born of their marriage.

3. The official declaration of their father and mother or other living ascendants stating that for reasons known to them they authorize so and so, their son or daughter, grandson or granddaughter married to so and so to apply for a divorce and to consent thereto. The fathers and mothers, grandfathers and grandmothers of the husband and wife are presumed to be living, until the records establishing their death have been presented."

ART. 284. "The notaries shall draw up a full official report of everything that has been said and done in compliance with the foregoing articles; the original shall remain with the older of the two notaries, as also the papers produced, which shall be annexed to the official report in which shall be mentioned the notification given to the wife to retire within twenty-four hours to the house agreed upon by her and her husband and to reside there until the divorce is pronounced."

ART. 285. "The declaration thus made shall be renewed by observing the same formalities in the first fortnight of each of the fourth, seventh and tenth month thereafter. The parties shall be obliged each time to prove, by an official instrument, that their fathers and mothers or other living ascendants persist in their first determination, but they shall not be called upon to renew the production of any other instrument."

ART. 286. "Within a fortnight after the day upon which the year from the first declaration has elapsed the husband and wife, each attended by two friends who shall be well known in the district, of the age of fifty years at least, shall appear together

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ART. 267. They shall likewise be obliged to state in writing what they have agreed, as to the three following points:

1. To whom the children born of their marriage shall be confided, either during the stay of the two or after the divorce is pronounced.

2. To which house the wife shall resort to reside during the time of the test.

3. What sum the husband shall pay to the wife during said time, if she has not sufficient means to provide for her wants."

ART. 268. "The husband and wife shall present themselves together and personally before the Civil Tribunal of their district or before the Judge acting as such, and shall make a declaration of their intention, in the presence of the notaries brought by them."

ART. 269. "The Judge shall read to the husband and wife together and to each of them separately, in the presence of the two notaries, such representations and recommendations as he shall deem proper. He shall read to them chapter IV of the present title which regulates the effects of divorce and shall explain to them all the consequences of the step they have taken."

ART. 270. "If the husband and wife persist in their determination, they shall record that they seek a divorce and mutually request the Judge to obtain for them the decree and to appoint immediately in the person of the notaries, in addition to the instruments mentioned in article 269 and after

1. Their records of birth and marriage.

2. The records of birth and death of all the children born of their marriage.

3. The official inventories of their father and mother or other living ascendants stating that for reasons known to them they wish to, shall not or cannot, themselves or through daughter married to an end or be apply for a divorce and to obtain the same effects. The letters and notices, memberships and records mentioned in No. 1 and 2 of the preceding article shall be delivered to the husband and wife provided to be living, until the records establishing their death have been presented."

ART. 272. "The notaries shall draw up a full official report of everything that has been performed during the meetings with the foregoing articles; the original shall remain with the clerk of the two notaries, as also the copies presented, which shall be annexed to the official report in which shall be mentioned the certification given to the wife to retire within twenty-four hours to the house agreed upon by her and her husband and to which there until the divorce is pronounced."

ART. 273. "The declaration thus made shall be renewed by observing the same formalities in the first fortnight of each of the months, counting and term each interval. The parties shall be obliged each time to appear, by an official instrument, that their letters and notices, other living according to prefix in their first declaration, that they shall not by delay upon to renew the presentation of any other instrument."

ART. 274. "Within a fortnight after the two years which the first declaration has elapsed the husband may, with, each, of the age of fifty years at least, shall appear together

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and personally before the Presiding Judge of the Tribunal or the Judge acting as such; they shall deliver to him the certified copies in due form of the four official reports containing their mutual consent and of all the instruments which have been annexed thereto, and each of them separately, but in the presence of each other and of the four well known persons, shall request the Magistrate to grant the divorce."

ART. 287. "After the Judge and persons present have made their observations to the husband and wife, their request and the delivery made by them of the papers in support thereof, if they persist in their intention, shall be recorded for their benefit; the clerk of the Court shall draw up an official report which shall be signed as well by the parties (unless they declare that they cannot or will not sign, in which case that fact shall be mentioned) as by the four attending persons, the Judge and the clerk."

ART. 288. "The Judge shall at once add at the end of the official report his order to the effect, that within three days, the whole matter shall be referred by him to the Tribunal, sitting in the Judges' Chambers, with the written findings of the Public Prosecutor to whom the papers must be submitted by the clerk of the Court for that purpose."

ART. 289. "If the Public Prosecutor finds proof in the papers that the husband was twenty-five years of age and the wife twenty-one years when they made their first declaration; that at that time they had been married for two years; that the marriage did not date further back than twenty years; that the wife was less than forty-five years; that the mutual consent has been expressed four times during the course of the year after the preliminaries hereabove specified and with all the formalities prescribed by the present chapter, especially with the consent of the fathers and mothers of the husband and wife or of the other ascendants living, in case of the death of the fathers and mothers, he shall give his findings in these terms: 'The law allows;' should it be otherwise the findings shall be in these terms: 'The law prevents.'"

ART. 290. "The Tribunal, upon such proceeding, shall not be authorized to look into other matters than those mentioned in the foregoing article. If the result thereof in the opinion of the Tribunal is that the parties have complied with the conditions and fulfilled the formalities required by law, it shall grant the divorce and shall send the parties before the officer of Civil Status to have it pronounced; should it be otherwise, the Tribunal shall declare that the divorce shall not be granted and shall give the reasons of its decision."

ART. 291. "The appeal from a judgment deciding that a divorce shall not be granted shall only be receivable if it has been taken by both parties and nevertheless by separate notices, within ten days at the earliest and not later than twenty days after the date of the judgment of first instance."

ART. 293. "The notices of appeal shall be served reciprocally upon the husband and wife and upon the Public Prosecutor of the Tribunal of First Instance."

ART. 293. "Within ten days after service upon him of the second notice of appeal, the Public Prosecutor of the Tribunal of First Instance shall forward to the Attorney General of the Imperial Court of Appeals a certified copy of the judgment and the other papers upon which he has acted. The Attorney General of the Imperial Court of Appeals shall give his findings in writing within the ten days following the receipt of the papers; the

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President or the Judge acting in his stead shall make his report to the Imperial Court of Appeals sitting in the Judges' Chambers and the final decision shall be taken within ten days after the findings of the Attorney General have been given."

ART. 294. "By virtue of the decree granting the divorce and within twenty days after such date, the parties shall present themselves together and personally before the officer of Civil Status to have the divorce pronounced. After the expiration of such period, the judgment shall cease to produce effect."

CHAPTER III.

OF EFFECTS OF DIVORCE

ART. 295. (Law of March 26, 1924.) "The husband and wife who are divorced can no more be reunited, if subsequently to the divorce one of them has contracted a new marriage, followed by a second divorce, unless there are children living or legitimate issue of the first marriage, or unless the husband or wife by the second marriage has died subsequently to the divorce.

If the husband and wife are reunited a new celebration of the marriage shall be necessary, and they shall not be entitled to adopt a matrimonial system different from the one which originally governed their relations."

ART. 296. (Law of February 4, 1928.) "A divorced wife shall be able to remarry immediately after the transcription of the judgment or decree on appeal which has granted the divorce, provided however, three hundred days have elapsed since the order referred to in article 236 of the present Code has been granted in the action which has brought about the divorce.

If the husband dies before the judgment or decree on appeal granting the divorce has become final, the widow may remarry as soon as three hundred days have elapsed since the order referred to in paragraph 1 of the present article has been made."

ART. 297. (Law of July 13, 1907.) "When a judgment for separation from bed and board has been converted into a judgment for divorce, in accordance with article 310 of the Civil Code, the divorced wife may contract a new marriage immediately after the conversion so granted has been transcribed."

ART. 298. (Repealed by law of December 15, 1904.) "In case of a divorce granted by the Court on account of adultery, the guilty party shall never be able to marry his or her accomplice."

ART. 299. (Law of July 27, 1884.) "The husband or wife against whom a divorce has been pronounced, shall lose all the advantages which the other had made in his or her favor either by marriage contract or since the marriage.

(Law of February 6th, 1893.) In consequence of the divorce, the husband and wife shall each resume the use of his or her name."

ART. 300. "The husband or wife who has obtained the divorce shall retain the advantages made in his or her favor by the other, even if it has been agreed that they were reciprocal and if the reciprocity does not take place."

ART. 301. "If the husband and wife have not made to each other any advantages, or if the same do not appear to be sufficient to secure the maintenance of the husband or wife who has obtained the divorce, the Tribunal may grant alimony to such husband or wife,

Which shall not exceed one third of the income of the other. Such alimony can be revoked if it ceases to be necessary."

ART. 302. "The children shall be confided to the husband or wife who has obtained the divorce, unless the Tribunal at the request of the family or of the Public Prosecutor orders for the greater benefit of the children that all or some of them should be placed under the care of the other spouse, or of a third party. Civ. C. 203 et seq., 372 et seq."

ART. 303. "Whoever may be the person to whom the children are confided, the father and mother shall respectively retain the right to superintend the maintenance and the education of their children, to which they shall be obliged to contribute in proportion to their means."

ART. 304. "The dissolution of the marriage by a divorce granted in Court shall not deprive the children born of such marriage of any of the advantages which they derive from the law, or from the matrimonial agreements of their father and mother; but the rights of the children shall only take effect in the same manner and under the same circumstances as if there had been no divorce."

ART. 305. (Repealed by Law of July 27, 1884.) "In case of divorce by mutual consent, the ownership of one half of the property of the husband and wife shall belong, as a matter of right, from the day of their first declaration to the children born of their marriage; the father and mother shall nevertheless retain the enjoyment of such half until their children come of age, on condition of providing for their support, maintenance and education in accordance with their fortune and standing, all of which shall be without prejudice to the other advantages which may have been secured to the said children by the matrimonial agreements of their father and mother."

CHAPTER IV.

OF SEPARATION FROM BED AND BOARD.

ART. 306. (Law of July 27, 1884.) "If an action for divorce can be instituted, the husband or wife is at liberty to apply for a separation from bed and board.

(Law of February 4, 1928.) "If the husband dies during the pendency of an action for separation from bed and board or after the separation has been pronounced, the widow may remarry as soon as three hundred days have elapsed since the order referred to in article 878 of the Code of Civil Procedure has been granted."

ART. 307. (Law of April 18, 1886.) "The suit for such separation shall be brought, conducted, and passed upon in the same manner as any other civil action; nevertheless articles 236 to 244 shall apply; it cannot be effected by the mutual consent of the husband and wife.

The guardian of a person lawfully interdicted can, with the consent of the family council, present a petition and prosecute an action for separation."

ART. 310. (Law of June 6, 1908.) "When a separation from bed and board has lasted for three years, the judgment can as a matter of fact be converted into a judgment for divorce upon an application made by the husband or wife.

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which shall not exceed one third of the income of the minor. Such allowance can be revoked if it ceases to be necessary."

ART. 356. "The children remain to be entrusted to the husband or wife who has obtained the divorce, unless the Tribunal at the request of the family or of the Public Prosecutor orders for the greater benefit of the children that all or some of them should be placed under the care of the other spouse, or of a third person. C. 208 et seq., 372 et seq."

ART. 357. "Whoever may be the person to whom the children are confided, the father and mother shall respectively retain the right to entertain the relationships and the education of their children, to which they shall be obliged to contribute in proportion to their means."

ART. 358. "The dissolution of the marriage by a divorce pronounced by the Court shall not deprive the children born of such marriage of any of the advantages which they derive from the law, or from the matrimonial agreements which may exist between their father and mother, but the rights of the children shall only take effect in the case mentioned and under the same circumstances as if there had been no divorce."

ART. 359. [Repealed by law of July 27, 1884.] "In case of divorce by mutual consent, the ownership of one half of the property of the husband and wife shall belong, as a matter of right, from the day of their first declaration to the obligation of their mutual maintenance and support, to the children born of their marriage, and the husband and wife shall only have the enjoyment of such half until their children come of age, or die. Adjudication of provisions for their support, maintenance and education is in accordance with their fortune and standing, all of which shall be without prejudice to the other arrangements which may have been entered to the said children by the matrimonial agreements of their father and mother."

CHAPTER IV.

OF SEPARATION FROM BED AND BOARD.

ART. 306. (Law of July 27, 1884.) "If an action for divorce can be instituted, the husband or wife is at liberty to apply for a separation from bed and board.

(Law of February 6, 1893.) "If the husband dies during the pendency of an action for separation from bed and board or after the separation has been pronounced, the widow may recover, as soon as three hundred days have elapsed since the order relative to article 878 of the Code of Civil Procedure has been granted."

ART. 307. (Law of April 18, 1884.) "The suit for such separation shall be brought, conducted, and heard upon IA the same manner as any other civil action; nevertheless articles 240 to 244 shall apply; it cannot be effected by the mutual consent of the husband and wife.

The guardian of a person lawfully interdicted can, with the consent of the family council, request a petition and prosecute an action for separation."

ART. 308. (Law of June 6, 1908.) "When a separation from bed and board has lasted for three years, the judgment can as a matter of fact be converted into a judgment for divorce on application made by the husband or wife.

The costs resulting from such application shall be borne by the husband or wife, even when plaintiff, against whom the separation has been pronounced, and they shall be halved between them if the separation has been pronounced against each of them, by reason of reciprocal grievances.

The provisions of the judgment of separation from bed and board granting alimony to the husband or wife who has obtained the separation always remain effective."

ART. 311. (Law of February 6, 1893.) "A judgment granting a separation from bed and board, or a subsequent judgment, may forbid the wife to use her husband's name or authorize her to drop it. If the husband has added the name of his wife to his own, she may also ask that the husband should be forbidden to use it.

It also produces the effect of restoring the wife to the full enjoyment of her civil capacity, without having to solicit the consent of her husband or of the Court.

If the separation from bed and board terminates by the reconciliation of the husband and wife, the capacity of the wife is henceforth changed, and is governed by the provisions of article 1449. Such change cannot be set up against third parties, unless the fact of the resumption of cohabitation has been established by an instrument executed in the presence of a notary of which the original is retained by him, and of which an extract shall be posted in the manner provided by article 1445, and also by an entry made in the margin:

1. Of the record of marriage.

2. Of the judgment or decree on appeal, ordering the separation, and finally of the insertion of an extract in one of the newspapers of the department which publish legal notices."

TITLE SEVENTH.

OF PATERNITY AND FILIATION.

CHAPTER I.

OF THE FILIATION OF LEGITIMATE CHILDREN,

OR OF THOSE BORN IN WEDLOCK.

ART. 318. "Any extra judicial instrument containing a repudiation on the part of the husband, or his heirs, shall become void, if it is not followed within the period of one month, by an action at law brought against a special guardian given to the child and in the presence of his mother."

SECTION II.

OF ACKNOWLEDGMENTS OF NATURAL CHILDREN.

ART. 336. "An acknowledgment by the father, without indicating who the mother is, and without any admission on her part, only binds the father. Civ. C. 340, 341."

ART. 337. "An acknowledgment made during the marriage by the husband of the wife in favor of a natural child whom he or she has had before the marriage of another person than the one he or she

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is married to, cannot affect the rights of the other spouse, nor those of the children of the marriage.

Nevertheless it shall produce effect after the dissolution of such marriage, if there are no surviving children born of the marriage. Civ. C. 227, 761."

ART. 339. "All acknowledgments on the part of the father or mother and also all claims on the part of the child, can be contested by all those who are interested in doing so."

ART. 340. (Law of November 16, 1912.) "Paternity outside of wedlock can be judicially declared:

1. In case of abduction or rape, when the time of the abduction or rape coincides with that of the conception.

2. In case of rape perpetrated owing to fraudulent pretences, abuse of authority, promise of marriage, or betrothal in case there is an incipiency of documentary evidence in the terms of article 1347.

3. If there are letters or other private writings emanating from the alleged father and constituting an unqualified avowal of paternity.

4. In case of alleged father and mother lived together in open concubinage during the legal period of the conception."

5. In case the alleged father has provided for or taken part in the maintenance and education of the child, as father.

An action to establish paternity shall not be receivable:

1. If it is proved that during the legal period of conception, the mother was notoriously a person of bad character, or had relations with another individual.

2. If either because the alleged father was away during the same period or on account of some accident it was physically impossible for him to be the father of the child.

The action can only be brought by the child. During the minority of the child, the mother, even if she is a minor, is alone entitled to institute such action.

Nevertheless in the cases specified in paragraphs 4 and 5 hereabove, the action may be brought after the expiration of two years following the cessation either of the concubinage or of the participation of the alleged father in the maintenance and education of the child.

In default of acknowledgment by the mother or if she is dead, interdicted or absent, the action shall be brought in accordance with the provisions of article 389."

TITLE EIGHTH.

OF ADOPTION.
(Law of June 19, 1923).

ART. 344. "Adoption is only permitted to persons of either sex, over forty years of age, and who at the time of the adoption have no children, nor legitimate descendants, and who are at least

fifteen years older than the individuals they propose to adopt. Civ. C. 363."

ART. 346. "No one can be adopted by several persons, unless they are husband and wife."

ART. 347. "A husband or wife can only adopt, or be adopted, with the consent of the other, unless he or she is unable to express his or her wish, or unless there is a separation from bed and board between the husband and wife."

ART. 348. "If the person who is to be adopted is a minor, and still has his father and mother, both of them must consent to the adoption. If one of them is dead, or unable to express his wish, the consent of the other is sufficient.

If the father and mother are divorced, or separated from bed and board, the consent of the one in whose favor the divorce or separation from bed and board has been pronounced and who has the custody of the child is sufficient."

ART. 352. "The adopted remains in his natural family, and retains all his rights. Nevertheless the adopter possesses alone the rights derived from paternal authority towards the adopted, and also the right to consent to the marriage of the adopted. (Law of July 17, 1927). In case of disagreement between the husband and wife who adopt such disagreement implies consent to the marriage of the adopted.

In case of interdiction, of disappearance judicially established, or of death of the adopter, having occurred during the minority of the adopted, paternal authority belongs by right to the descendants of the former."

ART. 354. "Marriage is prohibited:

1. Between the adopter, the adopted and his issue.

2. Between the adopted and the husband or wife of the adopter and the husband or wife of the adopted.

3. Between the adopted children of the same person.

4. Between the adopted and the children which may be born to the adopter. Civ. C. 161, 162, 164."

ART. 356. "The adopted owes nourishment to the adopter, if he is in need, and reciprocally the adopter owes nourishment to the adopted.

The obligation to furnish nourishment continues to exist between the adopted and his father and mother. However the father and mother of the adopted are only obliged to furnish him nourishment if he cannot obtain it from the adopter. Civ. C. 203, 208 et seq."

ART. 358. "If the adopted dies without lawful issue the things given by the adopter or which have come from his estate, and which exist in kind at the time of the adopted's decease, revert to the adopter or to his descendants, on condition of contributing to the payment of the debts and without prejudice to the rights of third parties.

The surplus of the property of the adopted belongs to his own parents who always exclude all the heirs of the adopter, except his descendants even as regards the things specified in the present article. Civ. C. 732, 747, 766."

TITLE NINTH.

OF PATERNAL AUTHORITY.

ART. 371. "A child at all ages owes honor and respect to his father and mother. Civ. C. 148, 153, 1388."

ART. 372. "He remains under their authority until he comes of age or is emancipated. Civ. C. 148, 267, 302, 346, 383, 416, 488, 1384."

ART. 381. "The surviving mother, who has not remarried, can only have a child incarcerated with the assistance of the two nearest relatives on the father's side, and after making an application in the form prescribed by article 377."

ART. 383. (Law of July 2, 1907.) "Paternal authority over natural children legally acknowledged is exercised by the father or mother who has first acknowledged them; in case of simultaneous acknowledgment by the father and mother, the father exercises alone the powers derived from paternal authority; in case a parent to whom paternal authority belongs predeceases the other, it passes to the survivor who exercises it, is a matter or right.

However the Tribunal may if the interest of the child requires it, confide paternal authority to the parent who is not entitled to it by law.

Subject to these reserves, and to what is stated in article 389, of the administration of property, paternal authority over natural children is regulated in the same manner as in case of legitimate children. Civ. C. 334 et seq."

ART. 384. "The father during the marriage, and after its dissolution, the surviving father or mother shall have the enjoyment of the property of their children, until the same reach the full age of eighteen years, or until their emancipation, if it has taken place before the age of eighteen years.

(Law of July 2, 1907.) "The father or mother who exercises paternal authority shall have the legal enjoyment of the property of the child lawfully acknowledged, under the same conditions as the lawful father and mother, subject to what is stated in article 389. Civ. C. 227, 389, 453, 476 et seq., 578, 579, 601, 739, 1442."

ART. 386. (Law of February 21, 1906.) "The father and mother against whom a divorce has been pronounced, shall not be entitled to such enjoyment. Civ. C. 302, 303."

ART. 387. "It shall not extend over the property which the children may acquire by their work or in a separate business, nor over property given or bequeathed, on the express condition that the father and mother shall not have the enjoyment thereof. Civ. C. 894, 895, 1134."

TITLE TENTH.

OF MINORITY, GUARDIANSHIP AND EMANCIPATION.

CHAPTER I.

OF MINORITY.

ART. 388. "A minor is a person of either sex, who has not yet reached the full age of twenty-one years. Civ. C. 37, 108, 141, 224, 345, 346, 372, 442, 488, 903, 904, 942, 980, 1030, 1095, 1124 et seq., 1305 et seq., 1990, 2121, 2252."

CHAPTER II.

OF GUARDIANSHIP.

SECTION I.

OF THE GUARDIANSHIP OF THE FATHER AND MOTHER.

ART. 389. (Law of April 6th 1910.) "The father is during the lifetime of the husband and wife the legal administrator of the property of their children who are under age, and are not emancipated, with the exception of what may have been given or bequeathed to them on the express condition of being administered by a third party.

When the father is deprived of the administration, the mother becomes the administratrix in his place and stead, as a matter of right, with the same powers, and she does not require his marital authorization.

In case of divorce or separation from bed and board, the administration belongs to the husband and wife to whom the custody of the children has been given, unless it has been otherwise ordered.

In case of conflicting interests between the administrator and the minor, a special administrator shall be given to the latter, by the Tribunal in Chambers, upon a notice of motion, and after hearing the District Attorney. It shall be done likewise, if the father and mother are deprived of the legal administration although alive, subject to the provisions of the law of July 24, 1889, in case the husband or wife are both deprived of paternal authority.

Legal administration ceases as a matter of right to belong to any person who has a judicial adviser, or who is considered absent, or who has been deprived of paternal authority; it can be withdrawn for serious reasons by the Tribunal trying the case as is stated in paragraph 4, upon the application of the father or mother to whom it does not belong, of a parent or parent-in-law of the child, or of the Public Prosecutor.

The duties belonging to the family council of lawful children are exercised as to natural children, by the Tribunal of First Instance of the place of the legal domicile of the parent, to whom the guardianship belongs at the time he acknowledged the child, and by the Tribunal of the place of residence of the child, if he has not been acknowledged; the Tribunal tries the case in Chambers after the father and mother have been heard or summoned, if the child has been acknowledged, or upon the application of one of them, or upon the application of the Public

Prosecutor or of its own accord and passes upon all questions relating to the organization, or the supervision of the guardianship of said minors."

ART. 390. "After the dissolution of the marriage caused by the natural or civil death of the husband or wife, the guardianship of the children who are under age and not emancipated belongs as a matter of right to the survivor of the father or mother. Civ. C. 141 et seq., 227, 421, 476 et seq."

ART. 391. "The father nevertheless may appoint a special adviser to the surviving mother as guardian, without whose advice she cannot take any steps in connection with the guardianship."

ART. 393. "If a wife is pregnant at the time of the husband's death a curator and ventrem shall be appointed by the family council.

The mother becomes the guardian upon the birth of the child, and the curator becomes by right the assistant guardian. Civ. C. 315, 405 et seq., 420 et seq."

ART. 394. "The mother is not obliged to accept the guardianship; nevertheless, if she refuses it, she must fulfil the duties thereof until she has had a guardian appointed. Civ. C. 405 et seq."

ART. 395. (Law of March 20, 1917.) "If the mother who is guardian wishes to remarry, she must call together the family council before the celebration of the marriage, and such council shall decide whether she may retain the guardianship.

If she fails to do so, she loses the guardianship as a matter of right, and her husband shall be responsible for the consequences of her having unduly retained the guardianship.

The same obligation is imposed with like consequences, upon a woman acting as guardian who is not the mother, if she marries or remarries. Civ. C. 228, 406 et seq., 1290 et seq."

ART. 396. (Law of March 20, 1917.) "When the family council duly called together maintains the mother or the woman who is not the mother as guardian, it shall necessarily appoint the husband as co-guardian, and he becomes jointly responsible with his wife for the administration subsequently to the marriage.

In case of death, interdiction, or detention of the husband, of divorce or separation from bed and board, the guardian shall continue in such capacity; the co-guardianship shall cease. Civ. C. 450 et seq., 1200 et seq., 2121."

SECTION II.

OF THE GUARDIANSHIP CONFERRED BY A FATHER OR MOTHER.

ART. 397. (Law of March 20, 1917.) "The individual right to select a male or female guardian, whether he or she is a relative or even a stranger, only belongs to the last survivor of the father or mother. Civ. C. 421."

ART. 399. (Law of March 20, 1917.) "A mother who remarries and who is not maintained as guardian of the children of her first marriage cannot select their guardian, whether male or female. Civ. C. 395."

ART. 400. (Law of March 20, 1917.) "When a mother who remarries and is maintained as guardian has selected a male or female guardian for the children of her first marriage, such selection shall only be valid if it is confirmed by the family council. Civ. C. 395, 406 et seq."

ART. 401. "A guardian appointed by the father or mother is not obliged to accept the guardianship, unless he belongs to the class of persons, upon whom in the absence of such special appointment, the family council might have conferred the guardianship. Civ. C. 427 et seq., 432 et seq."

SECTION III.

OF THE GUARDIANSHIP OF DESCENDANTS.

ART. 402. (Law of March 20, 1917.) "When no male or female guardian has been selected for a minor by the survivor of the father or mother, the guardianship belongs, as a matter of right, to the grandfather or grandmother, who is in the closest degree. Civ. C. 142, 397, 421, 735 et seq. 907."

ART. 403. (Law of March 20, 1917.) "In case of equality between grandfathers and grandmothers of the same degree, the family council selects the male or female guardian, without taking into account the side to which he or she belongs."

ART. 404. "If the same equality exists between two great-grandparents in the maternal line, the appointment shall be made by the family council, which nevertheless can only select one of these two ancestors. Civ. C. 405 et seq."

SECTION IV.

OF GUARDIANSHIP CONFERRED BY THE FAMILY COUNCIL.

ART. 405. (Law of March 20, 1917.) "When a child who is a minor and is not emancipated remains without a father or mother, or a male or female guardian appointed by his father or mother, or ascendants, and likewise when the male or female guardian comes under one of the causes of exclusion hereafter referred to, the appointment of the male or female guardian shall be made by the family council.

A married woman must obtain the consent of her husband. He will necessarily be the co-guardian. Civ. C. 390 et seq., 397 et seq., 402 et seq., 427 et seq., 442 et seq., 476 et seq."

ART. 406. "Such family council shall be called together at the request and upon the application of the relatives of the minor, of his creditors or of other interested parties, or even by the Justice of the Peace of the minor's domicile, of his own accord, and upon his own application. Any person may notify the Justice of the Peace of the facts necessitating the appointment of a guardian."

ART. 407. (Law of March 20, 1917.) "A family council shall be composed, in addition to the Justice of the Peace, of six blood relatives, or connections by marriage of either sex, chosen as well in the county, where the guardianship is constituted as within a distance of two myriametres; of whom half shall belong to the paternal side and half to the maternal side, following the order of proximity in each line.

The husband and the wife cannot belong together to the same family council. Preference shall be given to the one in the closest degree of relationship. In case they are both in the same degree, the older shall be preferred. Civ. C. 110, 427 et seq., 442 et seq., 735 et seq."

ART. 408. (Law of March 20, 1917.) "Brothers or sisters of whole blood of the minor are alone excepted from the limitation in number specified in the foregoing article; if there are six or more of them, they shall all be members of the family council, which shall be composed of them alone, together with the widows in the ascendant line, and the ascendants duly excused, if there are any.

If their number is less, the other relatives are only called to complete the council. Civ. C. 442."

ART. 412. (Law of March 20, 1917.) "Blood relatives, connections by marriage or friends so cited, shall be obliged to appear in person, or to be represented by a special attorney.

An attorney in fact cannot represent more than one person.

A husband may represent his wife and vice versa. The attorney must produce a power in writing, without cost. Civ. C. 1984 et seq."

SECTION V.

OF ASSISTANT GUARDIANS.

ART. 420. (Law of March 20, 1917.) "In every case of guardianship, there shall be an assistant male or female guardian.

A woman can be appointed assistant guardian with the authorization of her husband. Civ. C. 361 et seq. 390 et seq., 397 et seq., 402 et seq., 405 et seq., 448, 458 et seq., 470, 505, 1442, 2137 et seq., 2142."

SECTION VII.

OF INCAPACITY, EXCLUSIONS AND DISMISSALS.

FROM GUARDIANSHIP.

ART. 442. (Law of March 20, 1917.) "The following persons cannot be guardians or members of a family council:

1. Minors, excepting the father or mother.

2. Those who have been interdicted.

ART. 417. (Law of March 30, 1917.) "A family council shall be composed, in addition to the justice of the peace, of six blood relatives, or connections by marriage of either sex, chosen as well in the county, where the majority is constituted as within a distance of two myriameters; of whom half shall belong to the paternal side and half to the maternal side, following the order of proximity in each line.

The husband and the wife cannot belong together to the same family council. Preference shall be given to the one in the nearest degree of relationship. In case they are both in the same degree, the older shall be preferred. Civ. C. 112, 407 et seq., 442 et seq., 732 et seq."

ART. 418. (Law of March 30, 1917.) "Brothers by sisters of whole blood of the minor are alone reputed from the beginning in number specified in the foregoing article; if there be or more of them, they shall all be members of the family council, in the descendant line, and the descendants only counted, if they are all.

If their number is less, the other relatives are only called to complete the council. Civ. C. 442."

ART. 419. (Law of March 30, 1917.) "Blood relative, connection by marriage or friends so cited, shall be obliged to appear in person, or to be represented by a special attorney.

An attorney in fact cannot represent more than one person.

A husband may represent his wife and vice versa. The excuses must proceed of force majeure, without cost. Civ. C. 1994 et seq."

SECTION V.

OF ASSISTANT GUARDIANS.

ART. 420. (Law of March 30, 1917.) "In every case of guardianship, there shall be an assistant male or female guardian.

A woman can be principal guardian provided with the assistance of her husband. Civ. C. 301 et seq., 304 et seq., 307 et seq., 417 et seq., 420 et seq., 448, 450 et seq., 476, 478, 1442, 2127 et seq., 2129."

SECTION VI.

OF INCAPACITY, EXCLUSIONS AND DISMISSALS.

FROM GUARDIANSHIP.

ART. 442. (Law of March 30, 1917.) "The following cannot be guardians or members of a family council:

1. Minors, excepting the father or mother.

2. Those who have been interdicted.

3. All those who are, or whose father or mother are, engaged in a lawsuit with the minor, in which the status of such minor, his fortune or a considerable part of his property are involved. Civ. C. 388, 489, 495, 507."

SECTION VIII.

OF THE GUARDIAN'S ADMINISTRATION.

ART. 453. "Fathers and mothers, during the time they have the personal and lawful enjoyment of the property of the minor, are not obliged to sell the chattels, if they prefer to keep them and return them in kind.

In such case, they shall cause an estimate to be made at their just value and at their own expense by an expert who shall be named by the assistant guardian and shall be sworn in the presence of the Justice of the Peace. They shall pay the appraised value of the articles which they may not be able to return in kind. Civ. C. 384 et seq., 589."

ART. 457. "A guardian, even if he or she is the father or mother, cannot borrow for account of the minor, nor convey or mortgage his real estate, without being authorized by a family council.

Such authorization shall only be granted in case of absolute necessity or of evident advantage.

In the first case the family council shall only grant its consent, after it has been established by a summary account presented by the guardian that the ready money, the moveables and the income of the minor are insufficient.

The family council shall, in all cases, indicate the pieces of real estate which shall first be sold, and all the conditions which it may deem useful. Civ. C. 407 et seq., 509, 517, 1125, 1304 et seq., 1559, 1696, 1702. 2126."

CHAPTER III.

OF EMANCIPATION.

ART. 476. "A minor is emancipated as a matter of right by his marriage. Civ. C. 144; 485 et seq., 1388, 1398, 2208."

ART. 477. "A minor, even unmarried, can be emancipated by his father, or in default of his father by his mother, when he has reached the full age of fifteen years.

Such emancipation takes place upon the sole declaration of the father or mother, received by the Justice of the Peace attended by his clerk."

ART. 480. (Law of March 20, 1917.) "The guardian's account shall be rendered to the emancipated minor, assisted by a male or female curator, who shall be appointed by the family council.

If the female curator is married, she must obtain the authorization of her husband. Civ. C. 406 et seq. 471."

TITLE ELEVENTH.

OF MAJORITY, INTERDICTION AND JUDICIAL ADVISER.

CHAPTER I.

OF MAJORITY.

ART. 488. "Majority takes place at the full age of twenty-one years; at that age, one can perform all the acts of civil life, subject to the restrictions specified in the title Of Marriage. Civ. C. 109, 148, 151 et seq., 346, 371, 377, 389, 471 et seq., 475, 897, 489, 783, 819, 933, 1013."

CHAPTER II.

OF INTERDICTION.

ART. 491. "In case of madness, if the interdiction is not applied for by the husband or wife or the relatives, the King's Attorney (Republic's Attorney) must do so, and in cases of imbecility or insanity, he can also do so when a person has no husband or wife or known relatives."

ART. 495. "Those who have applied for the interdiction cannot form part of the family council; nevertheless, the husband or wife and the children of the person whose interdiction is sought may be admitted without being entitled to vote. Civ. C. 407 et seq., 507."

ART. 506. "A husband is, as a matter of right, the guardian of his interdicted wife."

ART. 507. "A wife can be appointed the guardian of her husband. In that case the family council shall regulate the form and conditions of the administration, but the wife who considers that she has been wronged by the decision of the family council, can seek redress before the Courts. Civ. C. 407 et seq., 442, 450 et seq., 495."

ART. 508. "With the exception of the husband or wife, the ascendants and descendants, no one shall be compelled to retain the guardianship of an interdicted person more than ten years. At the expiration of that time the guardian may apply to be and is entitled to be replaced. Civ. C. 427 et seq., 469 et seq."

BOOK SECOND.

OF PROPERTY,

AND OF DIFFERENT KINDS OF OWNERSHIP.

TITLE THIRD.

OF USUFRUCT, USE AND HABITATION.

SECTION I.

OF THE RIGHTS OF A USUFRUCTUARY.

ART. 595. "A usufructuary may keep the enjoyment for himself or lease it to others, or even sell or assign his right without consideration. If he leases it, he must comply, as to the periods when leases must be renewed or as to their duration, with the rules established for the husband with respect to the property of the wife under the title Of Marriage Contracts and of the Respective Rights of Husband and Wife. Civ. C. 584, 634, 894, 1429 et seq., 1582, 1709, 1711."

BOOK THIRD

OF THE DIFFERENT WAYS OF ACQUIRING PROPERTY

TITLE FIRST.

OF SUCCESSIONS.

CHAPTER I.

OF THE OPENING OF SUCCESSIONS AND OF THE SEIZIN OF HEIRS.

ART. 723. (Law of March 25, 1896.) "The law regulates the order of succession between legitimate and natural heirs. If there are none, the property passes to the surviving husband or wife, and if there should not be any, to the State. Civ. C. 539, 713 et seq., 731 et seq., 756 et seq., 767, 768, 908, 913, 915."

ART. 724. (Law of March 25, 1896.) "The property, rights and causes of action of a deceased person vest absolutely in the legitimate and natural heirs, subject to the obligation on their part of satisfying all claims against the estate.

The surviving husband or wife, and the State must cause themselves to be given possession by the Courts. Civ. C. 419, 718, 723, 731 et seq., 750, 755, 769 et seq., 802 et seq., 870 et seq., 1002 et seq., 1011 et seq., 1032, 1122, 1220, 1300 et seq., 1432 et seq., 1482 et seq., 1742, 2017, 2235, 2237."

CHAPTER II.

OF THE QUALIFICATIONS REQUIRED TO INHERIT.

ART. 728. "The failure to denounce cannot be set up against the ascendants or descendants of the murderer, nor his connection by marriage of the same degree, nor the husband or wife, brother or sisters, uncles or aunts, nephews or nieces."

ART. 730. "The children of the unworthy person who are entitled to the succession in their own behalf, and not through representation, are not excluded on account of their father's offense; but the latter cannot in any case claim, over the property of the succession, the usufruct which the law grants to fathers and mothers over the property of their children. Civ. C. 384 et seq. 739 et seq., 787."

CHAPTER III.

OF VARIOUS KINDS OF SUCCESSIONS.

SECTION I.

GENERAL PROVISIONS.

ART. 733. "Every succession accruing to ascendants or to collaterals is divided into two equal parts; one for the relatives in the paternal line, the other for those in the maternal line.

The relatives of half blood in the maternal line or in the paternal line are not excluded by the relatives of full blood; but they only take in their line, with the exception of what is stated in article 752. The relatives of full blood take in both lines.

There is no devolution from one line to the other, unless there is no ascendants or collateral in one of the two lines. Civ. C. 734 et seq., 746 et seq., 755."

SECTION II.

OF REPRESENTATION.

ART. 742. "In the collateral line, representation is admitted in favor of the children and descendants of brothers or sisters of the decedent, whether they come to the succession together with uncles or aunts, or whether, all the brothers and sisters of the decedent having died before him, the succession devolves upon their descendants of equal or unequal degree. Civ. C. 750 et seq."

SECTION III.

OF SUCCESSIONS DEVOLVING UPON DESCENDANTS.

ART. 745. "Children or their descendants inherit from their father and mother, grandfathers and grandmothers and other ascendants, without distinction of sex and primogeniture, and even if born of different marriages.

They inherit in equal shares and "per capita" when they are all in the first degree and take in their own right; they inherit "per stirpes" when all or some of them take by representation. Civ. C. 312, 333, 350, 724, 731 et seq., 735 et seq., 739 et seq., 756 et seq., 913 et seq., 930 et seq., 1048 et seq."

SECTION IV.

OF ESTATES FALLING TO ASCENDANTS.

ART. 746. "If a decedent has left no issue, no brothers or sisters or descendants of them, the succession is divided equally between the ascendants of the paternal line and the ascendants of the maternal line.

The ascendant who is in the nearest degree takes the half allotted to his line, to the exclusion of all others."

ART. 748. "When the father and mother of a person who has died without issue survive him, and he leaves brothers and sisters or descendants of them, the succession is divided into two equal portions, of which one only devolves upon the father and mother, who share it between themselves equally.

The other portion belongs to the brothers and sisters of their descendants, as shall be explained in section 5 of the present chapter. Civ. C. 733, 751, 815."

ART. 749. "In case a person who has died without issue leaves brothers and sisters or descendants of them, and the father and mother have died before him, the portion which would have devolved upon such father and mother, according to the previous article, is added to the half which belongs to the brothers and sisters or their representatives, as shall be explained in section 5 of the present chapter. Civ. C. 751 et seq."

SECTION V.

OF COLLATERAL SUCCESSIONS.

ART. 750. "In case of the previous decease of the father and mother of a person who has died without issue, his brothers and sisters of their descendants are called to the succession, to the exclusion of the ascendants or other collateral relatives.

They inherit either in their own right or by representation, as is provided in section II of the present chapter. Civ. C. 731 et seq., 738, 742 et seq., 752, 766, 787."

ART. 751. "If the father and mother of the person who has died without issue have survived him, his brothers and sisters or their representatives are only entitled to one-half of the succession. If only the father or mother survives, they are entitled to take three-quarters. Civ. C. 748 et seq., 766."

ART. 752. "The division of the half or of the three-quarters belonging to the brothers and sisters, according to the provisions of the previous article, is made between them in equal portions, if they are all of the same marriage; if they are of different marriages, the division is made equally between the two paternal and maternal lines of the decedent; those of full blood take in both lines and those on the mother's or the father's side each take in their line only; if there are only brothers or sisters on one side, they inherit the whole, to the exclusion of all relatives in the other line. Civ. C. 733 et seq., 738, 742."

ART. 753. "If there are no brothers or sisters or descendants of them, and no ascendants in one or the other line, one-half of the succession devolves upon the surviving ascendants; and the other half upon the nearest relatives in the other line.

If several collateral relatives in the same degree take concurrently they share "per capita". Civ. C. 733 et seq., 735, 746, 754."

ART. 754. "In the case mentioned in the foregoing article, the father or mother who survives has the usufruct of a third of the property which he or she does not inherit in full ownership. Civ. C. 384 et seq., 578 et seq., 915."

ART. 755. (Law of December 31, 1917.) "Collateral relatives beyond the sixth degree do not inherit, with the exception nevertheless of the descendants of the brothers and sisters of the decedent. However, collaterals up to the twelfth degree inherit when the decedent was not able to make a will or was under legal interdiction.

If there are no relatives in a line of a degree entitling them to inherit, the relatives in the other line inherit the whole. Civ. C. 733 et seq."

SECTION VI.

OF SUCCESSIONS DEVOLVED UPON NATURAL CHILDREN LEGALLY ACKNOWLEDGED AND OF THE RIGHTS OF THEIR FATHER AND MOTHER IN THEIR ESTATES.

ART. 756. (Law of March 25, 1896.) "The law only grants rights to natural children in the estate of their deceased father or mother when they have been lawfully acknowledged. Natural children lawfully acknowledged are entitled as heirs to the estate of their deceased father or mother. Civ. C. 331 et seq., 334 et seq., 723, 724, 757 et seq., 767 et seq., 908, 913."

ART. 757. (Law of March 25, 1896.) "The law does not grant natural children any rights to the property of relatives of their father or mother. Civ. C. 331 et seq."

ART. 758. (Law of March 25, 1896.) "The right of inheritance of the natural child in the estate of his father or mother is regulated as follows:

If the father or mother has left legitimate descendants, this right is to one-half of the hereditary portion which he would have taken if he had been legitimate. Civ. C. 745, 750 et seq., 759 et seq., 762, 908, 913."

ART. 759. (Law of March 25, 1896.) "The right is to three-fourths, when the father or mother leaves no descendants but only ascendants or brothers or sisters, or legitimate descendants of brothers or sisters. Civ. C. 750 et seq., 758, 762, 908, 913."

ART. 760. (Law of March 25, 1896.) "The natural child is entitled to all the property, when his father or mother leaves no descendants, no ascendants, no brothers or sisters, no legitimate descendants of brothers or sisters. Civ. C. 750 et seq., 758 et seq., 762, 908, 913."

ART. 761. (Law of March 25, 1896.) "In case of predecease of natural children, their children and descendants can claim the rights mentioned in the foregoing articles. Civ. C. 739 et seq., 745, 756 et seq."

ART. 762. (Law of March 25, 1896.) "The provisions of articles 756, 758, 759 and 760 do not apply to adulterous or incestuous children."

ART. 763. (Law of March 25, 1896.) "Such nourishment is allowed according to the means of the father and mother and to the number and relationship of the legitimate heirs. Civ. C. 208 et seq., 762, 764."

ART. 764. (Law of March 25, 1896.) "When the father or mother of an adulterous or incestuous child has made him learn a mechanical trade, or when one of them has provided for his nourishment during his lifetime, the child cannot set up any claim against their succession. Civ. C. 762 et seq."

ART. 765. "The succession of a natural child who has died without issue goes to the father or mother who has acknowledged him, or equally to both if he has been acknowledged by both of them. Civ. C. 334 et seq., 746 et seq., 766."

CHAPTER IV.

OF IRREGULAR SUCCESSIONS.

SECTION I.

OF THE RIGHTS OF BROTHERS AND SISTERS TO THE PROPERTY OF NATURAL CHILDREN.

ART. 766. (Law of March 25, 1896.) "In case of previous decease of the father and mother of a natural child who has died without issue, the property which he has received from them goes to his legitimate brothers and sisters, if such property is found in kind in the succession; the causes of action for restitution, if they exist, or the proceeds of property conveyed, if they are still due, revert also to the legitimate brothers and sisters. All the other property goes to the natural brothers and sisters or to their descendants. Civ. C. 351 et seq., 747, 750 et seq., 951 et seq."

SECTION II.

OF THE RIGHTS OF THE SURVIVING HUSBAND OR WIFE AND OF THE STATE.

ART. 767. (Law of March 9, 1891.) "When the decedent leaves no relatives of a degree entitling them to inherit, and no natural children, the property of the succession belongs absolutely to the surviving husband or wife not divorced and against whom no judgment of separation from bed and board has become final.

(Law of April 26, 1928.) The surviving husband or wife not divorced who does not inherit the full ownership and against whom no judgment of separation from bed and board has become final has upon the succession of the predeceased one a right of usufruct which is:

1. Of one-quarter, if the decedent leaves one or several children born of the marriage.

2. Of the smallest portion of a legitimate child, which portion shall not exceed one-quarter, if the decedent has children born of a previous marriage.

3. Of one-half if the decedent leaves natural children or lawful issue of natural children, brothers and sisters, descendants of brothers and sisters or ascendants.

The calculation shall be based upon a total composed of all the property existing at the death of the decedent, to which shall be fictitiously added the property which he has disposed of, either by instrument inter vivos or by will, in favor of persons entitled to inherit, not exempt from collation.

But the surviving husband or wife can only exercise his or her right against the property which the decedent has not disposed of by instrument inter vivos or by will, and without prejudice to the rights of the reserve and the rights of reversion.

He or she shall cease to exercise such right if he or she has received from the decedent advantages, even made by preciput and above the share, of which the amount is equal to the rights which the present law grants to him or her, and should such amount not be reached, he or she can only claim what is missing to complete his or her usufruct.

Until the final division, the heirs can, upon giving sufficient security, insist that the usufruct of the surviving husband or wife be changed into a life annuity of equivalent amount. If they disagree, the Courts may in their discretion order such conversion.

(Repealed by law of April 3, 1917.) In case of a new marriage, the usufruct of the husband or wife ceases, if there are descendants of the decedent. Civ. C. 140, 201 et seq., 205, 337, 723 et seq., 755 et seq., 769 et seq."

ART. 768. "If there is no surviving husband or wife, the succession goes to the State. Civ. C. 539, 713, 723, 724, 731, 767, 769 et seq."

ART. 769. "A surviving husband or wife and the administration of Domains, when claiming to be entitled to an estate, are bound to have seals affixed and to cause an inventory to be made in the manner required for the acceptance of successions, under benefit of inventory. Civ. C. 794 et seq."

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SECTION II.

OF THE RIGHTS OF THE SURVIVING HUSBAND

OR WIFE AND OF HIS ESTATE.

ART. 770. "They must ask to be placed in possession by the Tribunal of First Instance of the district in which the succession becomes open. The Tribunal can only pass upon the application, after three publications and notices in the usual manner, and after the King's attorney (Republic's attorney) has been heard. Civ. C. 110 114, 822."

ART. 771. "The surviving husband or wife is also obliged to invest the personal property and to give sufficient security to ensure its return, in case heirs of the decedent should present themselves within a period of three years; after such period the surety is discharged. Civ. C. 789, 805, 2040 et seq., 2262."

ART. 772. "The surviving husband or wife or the Administration of Domains can be ordered to pay damages to the heirs, if any present themselves, when they have not complied with the formalities which are respective required of them. Civ. C. 1149."

CHAPTER V.

OF THE ACCEPTANCE AND REPUDIATION OF SUCCESSIONS.

SECTION I.

OF ACCEPTANCE.

ART. 776. "Married women cannot lawfully accept a succession without the consent of their husband or of the Court, in accordance with the provisions of chapter VI of the title Of Marriage."

CHAPTER VI.

OF DIVISION AND COLLATIONS.

SECTION I.

OF PARTITION SUITS AND OF THEIR FORM.

ART. 818. "A husband may, without his wife's concurrence, apply for the division of the personal or real property coming to her which falls into the community; as to the things which do not fall into the community, the husband cannot demand the division thereof, without the co-operation of his wife; he can only, if he is entitled to the enjoyment of her property, ask for a temporary division.

The co-heirs of the wife can only ask for a final division by making the husband and wife parties to the suit. Civ. C. 215, 217, 776, 1401, 1421 et seq., 1428, 1449, 1531 et seq., 1536 et seq., 1549 et seq., 1558, 1576."

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SECTION II.

OF COLLATIONS.

Art. 849. "Donations and legacies made to the husband or wife of a person who inherits are considered as having been made with exemption from collation.

If the donations and legacies are made jointly to a husband and wife of whom only one inherits, this one collates the half; if the donations are made to a husband or wife who inherits, he or she collates the whole. Civ. C. 857, 1350 et seq."

TITLE SECOND.

OF DONATIONS INTER VIVOS, AND OF WILLS.

CHAPTER II.

OF THE CAPACITY OF DISPOSING OR RECEIVING

BY DONATION INTER VIVOS OR BY WILL.

Art. 905. "A married woman cannot make a donation inter vivos without the special assistance or consent of her husband, or without having been authorized by the Court, in accordance with what is provided in articles 217 and 219 of the title Of Marriage.

Art. 908. (Law of March 25, 1896.) "Natural children legally acknowledged cannot receive by donation inter vivos anything beyond what is granted to them under the title Of Successions. Such incapacity can only be invoked by the descendants of the donor, by his ascendants, by his brothers and sisters and the legitimate descendants of his brothers and sisters.

The father and mother who have acknowledged them may bequeath to them the whole or part of the portion which can be disposed of, but when he takes together with legitimate descendants, a natural child can never receive more than the equivalent of the smallest share which a legitimate child is entitled to."

Art. 911. "All provisions in favor of a person who is incapable of taking shall be void if they are disguised under the form of a contract for consideration, or if made in the name of intermediaries.

Are considered intermediaries, the father and mother, the children and descendants, and the husband or wife of the person who is incapable of taking. Civ. C. 902, 906 et seq., 987, 1099, 1106, 1350, 1352, 1596."

SECTION 11.

OF COLLATION.

Art. 849. Donations and legacies made to the husband or wife of a person who inherits are considered as having been made with exemption from collation.

If the donations and legacies are made jointly to a married and wife of whom only one inherits, this one collates the half if the donations are made to a husband or wife who inherits, he or she collates the whole. Civ. C. 807, 1442 et seq.

TITLE SECOND.

OF DONATIONS INTER VIVOS, AND OF WILLS.

CHAPTER I.

OF THE CAPACITY OF DISPOSING OR RECEIVING

BY DONATION INTER VIVOS OR BY WILL.

Art. 852. "A married woman cannot make a donation inter vivos without the special assistance or consent of her husband, or without having been authorized by the Court, in accordance with what is provided in articles 137 and 138 of the title OF MARRIAGE."

Art. 853. (Law of March 20, 1900.) "Natural children legally acknowledged cannot receive by donation inter vivos anything more than what is granted to them under the title OF SUCCESSIONS. Such incapacity can only be invoked by the descendants of the donor, by his ascendants, by his brothers and sisters and the legitimate descendants of his brothers and sisters.

The father and mother are not acknowledged [illegible] capable to take the whole or part of the portion which can be disposed of for the benefit of their illegitimate descendants, when these have left children or other descendants.

Art. 854. "All prohibitions in favor of a person who is incapable of taking shall be void if they are dictated under the form of a contract for consideration, or if they be the cause of intermediaries.

Are considered [illegible] the father and mother, the children are descendants, and the husband or wife of the person who is incapable or taking. Civ. C. 902, 906 et seq., 907, 1789, 1114, 1302, 1304."

CHAPTER IV.

OF DONATIONS INTER VIVOS.

SECTION I.

OF THE FORM OF DONATIONS INTER VIVOS.

ART. 934. "A married woman cannot accept a donation without her husband's consent, or in case of refusal of the husband, without the consent of the Court, in accordance with what is specified in articles 217 and 219 under the title Of Marriage. Civ. C. 222 et seq., 905, 940, 942, 1029, 1125."

ART. 935. "A donation made to a minor who is not emancipated, or to an interdicted person, must be accepted by his guardian, in accordance with article 463 of the title Of Minority, — Guardianship and Emancipation.

Nevertheless, the father and mother of minor, whether he is emancipated or not, or the other ascendants, even during the lifetime of the father and mother, although they are not the guardians or curators of the minor, can accept for him. Civ. C. 388, 476 et seq., 489, 509, 940 et seq., 1087, 1125, 1305, 1314."

Art. 940. "Such recording shall be made at the instance of the husband when the property has been given to his wife, and if the husband does not comply with this requirement, the wife can have it done without his consent."

Art. 942. "Minors, interdicted persons, married women, shall not be reinstated in case of failure to accept or omission to have the recording made; subject to their remedy against their guardians or husbands, if there is occasion therefor, and they shall not be reinstated, even if the said guardians or husbands are insolvent. Civ. C. 213, 450, 469, 489, 509, 932 et seq., 1070 et seq., 1382 et seq., 1428, 1531, 1536, 1549, 1576 et seq."

SECTION II.

OF EXCEPTIONS TO THE RULE OF IRREVOCABILITY

OF DONATIONS INTER VIVOS.

ART. 960. "All donations inter vivos made by persons who have no children or descendants actually living at the time of the donation shall be revoked, as a matter of right, upon the birth of a legitimate child of the donor, even if posthumous, or in case of the legitimation of a natural child by subsequent marriage, if born since the donation, of whatever value these donations may be and for whatever cause they may have been made, even if they were mutual or remunerative, and even if they were made in view of marriage by persons other than ascendants to the husband or wife, or by the husband or wife to each other. Civ, C, 331 et seq., 953, 961 et seq., 1081 et seq., 1091, 1096."

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CHAPTER V.

OF TESTAMENTARY DISPOSITIONS.

SECTION I.

OF GENERAL RULES APPLYING TO THE FORM OF WILLS.

ART. 967. "Every person can disposecof his property by will, either by the appointment of an heir or by making a legacy or in any other way sufficient to express his wish. Civ. C. 226, 895, 901 et seq., 913 et seq., 920, 968 et seq., 1002 et seq., 1010 et seq., 1025 et seq., 1035 et seq., 1048 et seq., 1075 et seq., 1081 et seq., 1091 et seq., 1098 et seq."

ART. 980. (Law of Dec. 7, 1897.) "The witnesses called to attest wills must be of full age and French, of either sex. Nevertheless a husband and wife may not be witnesses together to the same will. Civ. C. 13, 25, 28, 37, 488, 895, 971, 975 et seq., 1001."

SECTION VII.

OF TESTAMENTARY EXECUTORS.

ART. 1029. "A married woman can only accept to be a testamentary executrix with the consent of her husband.

If there is a separation of property, either in consequence of a marriage contract or judgment, she may accept with the consent of her husband, or in case of his refusal, by order of the Court, in accordance with what is specified in articles 217 and 219 of the title Of Marriage. Civ. C. 213 et seq., 1124, 1529, 1536 et seq., 1990."

CHAPTER VI.

OF DISPOSITIONS ALLOWED IN FAVOR OF GRANDCHILDREN OF THE DONOR OR TESTATOR, OR OF CHILDREN OF HIS BROTHERS AND SISTERS.

ART. 1048. "The property of which fathers and mothers have the right to dispose may be given by them wholly or in part, to one or several of their children by an instrument inter vivos or by will, with the obligation of returning the same to the children born and which may be born in the first degree only of said donees. Civ. C. 894 et seq., 913 et seq., 1049 et seq., 1081, 1098."

ART. 1049. "A disposition made by a decedent in an instrument inter vivos or a will, for the benefit of one or several of his brothers or sisters, of all or part of the property forming part of his succession which is not reserved by law, with obligation to return the same to the children born or to be born in the first degree only of the said brothers or sisters who are the donees, shall be valid in case the decedent dies without issue. Civ. C. 894 et seq., 897, 906, 913 et seq., 1081, 1098."

CHAPTER V.

OF TESTAMENTARY DISPOSITIONS.

SECTION I.

OF GENERAL RULES RELATING TO THE POWER OF WILLS.

ART. 1050. "The dispositions allowed by the two foregoing articles shall only be valid if the obligation to return is made for the benefit of all the children born or who may be born of the heir, without exception or preference by reason of age or sex. Civ. C. 896."

ART. 1052. "If a child, a brother or a sister, to whom property has been given by instrument inter vivos without being obliged to return the same, accept a new gift, made by instrument inter vivos or by will, on condition that the property previously given shall be subject to that obligation, they shall no longer be allowed to divide the two gifts made for their benefit and to renounce the second, to take advantage of the first, even should they offer to return the property included in the second gift. Civ. C. 932 et seq., 1119, 1121, 1134."

ART. 1053. "The rights of the beneficiaries shall take effect from the time when, for whatever reason it may be, the enjoyment of the child, the brother or sister who are obliged to effect restitution ceases; the renunciation by anticipation of the enjoyment in favor of the beneficiaries shall not affect the claims of the creditors of the person obliged to make restitution which existed previously to the renunciation. Civ. C. 618, 622, 788, 1057 et seq., 1166, 1167, 1464, 2225."

ART. 1054. "The wives of person obliged to make restitution are only entitled to subsidiary remedies against the property to be returned, when the property unencumbered is insufficient for the payment of the capital of dotal funds, and only if the testator has expressly so directed. Civ. C. 952, 954, 963, 1134, 1495, 1531, 1540, 1564, 1572, 2121 et seq., 2125, 2135."

CHAPTER VII.

OF DIVISIONS MADE BY THE FATHER, MOTHER OR OTHER ASCENDANTS BETWEEN THEIR DESCENDANTS.

ART. 1075. "Fathers and mothers and other ascendants may make a distribution and division of their property between their children and descendants. Civ. C. 745, 914, 968, 1076 et seq."

CHAPTER VIII.

OF DONATIONS MADE BY MARRIAGE CONTRACT TO THE HUSBAND OR WIFE AND TO THE ISSUE TO BE BORN OF THE MARRIAGE

ART. 1081. "Every donation inter vivos of present property to the husband and wife or to one of them, even if made in a marriage contract, shall be subject to the general rules applying to donations made in that manner."

ART. 1082. "Fathers and mothers, other ascendants, collateral relatives of the husband and wife, and even strangers, can dispose of all or part of the property which they may leave at the time of their death, by a marriage contract, as well for the benefit of the said husband and wife as for the benefit of the children to be born of the marriage, in case the donor should survive the husband or wife who is the donee.

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Such a donation, even if made for the benefit of the husband and wife, or of one of them only, shall always be considered, if the donor survives, as having been made for the benefit of the children or issue to be born of the marriage. Civ. C. 898, 943, 947, 959 et seq., 1048 et seq., 1083, 1350, 1352."

ART. 1086. "A donation by marriage contract for the benefit of the husband and wife and of the children to be born of their marriage can also be made on condition of paying indiscriminately all the debts and charges of the succession of the donor, or subject to other conditions of which the fulfilment depends upon his wish, whoever may be the person by whom the donation is made; the donee shall be obliged to fulfil such conditions unless he prefers not to take the donation; and if the donor has reserved to himself, in the marriage contract, the right to dispose of an article contained in the donation of his existing property or of a specified sum to be taken out of such property, the article or the sum shall be considered as contained in the donation and shall belong to the donee or his heirs, if the donor dies without having disposed of the same. Civ. C. 943, 944, 959 et seq., 1093, 1170, 1174."

ART. 1089. "Donations made to the husband or wife in the manner prescribed by the foregoing articles 1082, 1084, and 1086, shall lapse if the donor survives the husband or wife who is the donee, or his or her issue. Civ. C. 747, 1039 et seq., 1092 et seq."

Art. 1090. "All donations made to the husband and wife in their marriage contract shall be reduced to the portion which the law allows the donor to dispose of, when his succession opens. Civ. C. 908, 913 et seq., 920 et seq., 923, 1094, 1098, 1525."

CHAPTER IX.

OF DONATIONS OF HUSBAND AND WIFE, BETWEEN ONE ANOTHER, EITHER BY MARRIAGE CONTRACT OR DURING THE MARRIAGE.

ART. 1091. "A husband and wife may, in their marriage contract, make to each other, reciprocally or the one to the other, such donations as they may deem proper, subject to the rules hereafter laid down. Civ. C. 894, 931, 1081 et seq., 1084, 1092, 1093, 1094, 1098, 1480, 1516, 1525 et seq."

ART. 1092. "Every donation inter vivos of existing property made by a husband and wife to one another in their marriage contract shall not be supposed to be made on condition that the donee should survive, unless this condition is formally expressed; and it shall be subject to all the rules and formalities above specified for such sort of donations. Civ. C. 894, 1081 et seq., 1339 et seq., 1398."

ART. 1093. "A donation of future property, or of existing and future property, made by a husband and wife in their marriage contract, either by the one to the other or reciprocally, shall be subject to the rules laid down in the foregoing chapter for similar donations made to them by a third party; except that it shall not go to the children born of the marriage, in case of the death of the husband or wife who is the donee before the one who is the donor. Civ. C. 299, 959 et seq., 1081 et seq."

ART. 1094. "(Law of February 14, 1900). A husband or wife may, either by marriage contract or during the marriage in case he or she leaves no children or descendants, dispose in favor of the other in full ownership of everything he or she could dispose of in favor of a stranger.

And in case the husband or wife who is the donor leaves children or descendants, he or she may give to the other, either a quarter in full ownership and the usufruct of another quarter, or only the usufruct of one half of all his or her property. Civ. C. 578 et seq., 913 et seq., 915, 1098 et seq."

ART. 1095. "A minor cannot make a donation in a marriage contract to his wife or her husband, whether reciprocal or not, without the consent and the assistance of those whose consent is required for the validity of the marriage; and with such consent he or she may give everything the law allows a husband or wife of full age to give to the other. Civ. C. 148 et seq., 160, 406 et seq., 903, 1309, 1398."

ART. 1096. "All donations made by a husband and wife to one another during the marriage, although called inter vivos, shall always be revocable.

The revocation can be made by the wife without being authorized by her husband or by the Court."

ART. 1097. "A husband and wife cannot make to one another during the marriage, either by donation or by will, any mutual and reciprocal donation by means of one and the same instrument. Civ. C. 968."

ART. 1098. "A man or a woman who, having children by a former marriage, contracts a second or subsequent marriage, can only give to the new wife or husband the share of a legitimate child entitled to the smallest portion, and in no case shall these donations exceed one-fourth of the property. Civ. C. 147, 228, 386, 913, 920, 1099 et seq., 1496, 1527."

ART. 1099. "A husband and wife cannot give to one another indirectly more than is allowed by the rules above laid down."

ART. 1100. "Donations by the husband or wife to the children or to one of the children of the other born of another marriage, and those made by the donor to relatives of whom the other spouse is the presumptive heir at the time of the donation, shall be considered as made to intermediaries, even if such spouse has not survived the donee who was his relative. Civ. C. 911, 1099, 1113, 1133."

TITLE THIRD

OF CONTRACTS OR CONVENTIONAL OBLIGATIONS IN GENERAL

CHAPTER II.

OF CONDITIONS ESSENTIAL TO THE VALIDITY OF CONTRACTS.

SECTION I.

OF CONSENT.

ART. 1113. "Violence is a cause of avoidance of a contract not only when it is exerted against the contracting party, but also when it has been directed against the party's husband or wife or their descendants or ascendants."

ART. 1114. "Reverential fear alone towards a father or mother or other ascendant, without the use of any violence, is not sufficient to annul a contract."

SECTION II.

OF THE CAPACITY OF CONTRACTING PARTIES.

ART. 1124. "Are incapable of contracting:

1. Minors.

2. Interdicted persons.

3. Married women, in the cases specified by law.

And generally all those whom the law forbids to make certain contracts. Civ. C. 25, 213 et seq., 388, 450, 472 et seq., 481 et seq., 489, 502 et seq., 1305 et seq., 1421 et seq., 1427 et seq., 1449, 1530, 1536, 1538, 1576, 1594 et seq., 1840, 2045, 2124."

ART. 1125. "Minors, interdicted persons, and married women can only attack contracts made by them for want of capacity in the cases specified by law.

Persons who are capable of binding themselves cannot invoke the incapacity of a minor, of an interdicted person or of a married woman with whom they have made a contract. Civ. C. 225, 1117 et seq., 1124, 1304 et seq., 1338, 1926."

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CHAPTER V.

OF THE EXTINCTION OF OBLIGATIONS.

SECTION VII.

OF THE ACTION FOR AVOIDANCE OR RESCISSION.

ART. 1304. "In all cases in which an action for avoidance or rescission of a contract is not limited to a shorter time by a special law, such action is maintainable during ten years.

In case of duress, the time only runs from the day upon which such duress has ceased; in case of error or fraud; from the day upon which the same has been discovered; and for instruments executed by married women, not authorized, from the day of the dissolution of the marriage."

ART. 1312. "When minors, interdicted persons, or married women are allowed in such capacities to be relieved of their agreements, the repayment of what may have been paid in consequence of such agreements during the minority, the interdiction, or the marriage, cannot be claimed, unless it is proved that what has been paid has turned to their advantage. Civ. C. 1241, 1315 et seq., 1926, 1990."

ART. 1313. "Persons of full age are only entitled to rescission on account of injury under the conditions specifically set forth in the present Code. Civ. C. 783, 887, 1079, 1674."

TITLE FOURTH.

OF AGREEMENTS WHICH ARE FORMED WITHOUT CONTRACT.

CHAPTER II.

OF TORTS AND QUASI-TORTS.

ART. 1384. "A person is responsible not only for the damage which he causes owing to his own act, but also for that which is caused by the acts of persons for whom he is answerable or by things which are in his custody.

The father and the mother, after the death of the husband, are responsible for the damage caused by their minor children living with them.

Schoolmasters and mechanics are responsible for the damage caused by their pupils or apprentices during the time they are under their supervision.

The abeve liability exists unless the father, mother, schoolmasters or mechanics prove that they have not been able to prevent the act which gives rise to such liability."

CHAPTER V.

OF THE EXTINCTION OF OBLIGATIONS.

SECTION VII.

OF THE ACTION FOR ANNULMENT OR RESCISSION.

ART. 1304. "In all cases in which an action for annulment or rescission of a contract is not limited to a shorter time by a special law, such action is maintainable during four years.

"In case of duress, the time only runs from the day upon which such duress has ceased; in case of error or fraud from the day on which the same has been discovered; and for instruments executed by married women, not authorized, from the day of the dissolution of the marriage.

ART. 1305. "When minors, interdicted persons, or married women are allowed in such contracts to be relieved of their duress, the reciprocal of what may have been paid in consequence of such duress, during the minority, the interdiction, or the marriage, cannot be claimed, unless it is proved that what has been paid has turned to their advantage. Civ. C. 1041, 1310 et seq., 1396, 1398."

ART. 1306. "Persons of full age are only entitled to rescission or annulment of injury under the conditions specifically set forth in the present Code. Civ. C. 993, 997, 1076, 1078."

TITLE EIGHTH.

OF AGREEMENTS MADE AND TAKING EFFECT WITHOUT CONTRACT.

CHAPTER II.

OF FIXED AND CERTAIN FACTS.

ART. 1804. "A person is responsible not only for the damage which he causes owing to his own act, but also for that which is caused by the acts of persons for whom he is answerable or by things which are in his custody.

"The father and the mother, after the death of the husband, are responsible for the damage caused by their minor children living with them.

"Schoolmasters and workmen are responsible for the damage caused by their pupils or apprentices during the time they are under their supervision.

"The above liability ceases when the father, mother, schoolmasters or workmen prove that they have not been able to prevent the act which gives rise to such liability."

TITLE FIFTH.

OF MARRIAGE CONTRACTS AND OF THE RESPECTIVE RIGHTS OF HUSBAND AND WIFE.

CHAPTER I.

GENERAL PROVISIONS.

ART. 1387. "The law only regulates conjugal relations with respect to property when no special agreement has been made, and the husband and wife may enter into any agreement they deem proper, provided it is not contrary to good morals, subject however to the following restrictions." Civ. C. 6, 900, 947, 1081 et seq., 1091 et seq., 1133, 1172, 1388 et seq., 1497 et seq., 1527, 1837, 2140."

ART. 1388. "A husband and wife cannot derogate from the rights resulting from the husband's marital powers over the person of the wife and his children or which belong to the husband as head of the family, nor from the rights conferred upon the survivor of the husband and wife under the title Of Paternal Authority and the title Of Minority, Guardianship and Emancipation, nor from the prohibitions contained in the present Code. Civ. C. 212 et seq., 371 et seq., 388 et seq., 476 et seq., 1389 et seq., 1595, 2253."

ART. 1389. "They cannot make any agreement or renunciation of which the object would be to change the legal order of succession either with respect to themselves in the succession of their children or descendants or with respect to their children between themselves; without prejudice to the donations inter vivos or mortis causa which may be made in the manner and in the cases specified in the present Code. Civ. C. 723 et seq., 731 et seq., 1081 et seq., 1091 et seq., 1130, 1497, 1527, 1600."

ART. 1390. "A husband and wife can no longer stipulate in a general manner that their association shall be governed by the customs, laws or local statutes which were heretofore in force in the various parts of the French territory and which are repealed by the present Code. Civ. C. 1391 et seq., 1497, 1527."

ART. 1391. "They may, nevertheless, declare in a general manner that they intend to marry under the system of community or under the dotal system.

In the first case and under the system of community the rights of the husband and wife and of their heirs are governed by the provisions laid down in chapter II of the present title.

However, if the record of celebration of the marriage indicates that the husband and wife have been married without a contract, the wife is considered, with respect to third parties, as having the capacity of contracting in accordance with the rules of common law, unless she has declared in the record containing her agreement that she has made a marriage contract. Civ. C. 1393 et seq., 1399 et seq., 1540 et seq."

ART. 1392. "A simple stipulation to the effect that the wife has settled upon himself, or that another person has settled upon her, certain property as dowry, is not sufficient to subject the property to the dotal system, unless there is an express declaration to that effect in the marriage contract.

Neither does the adoption of the dotal system result from the simple declaration made by the husband and wife that they marry without community or that they shall be separated as to property. Civ. C. 1529 et seq., 1536 et seq., 1540 et seq."

ART. 1394. "All matrimonial agreements shall be drawn up before the marriage in an instrument made by a notary.

The notary shall deliver to the parties at the time of signing the contract a certificate on unstamped paper and without cost stating his full names and his place of residence, the names, first names, occupation and residence of the future husband and wife and also the date of the contract. Such certificate shall show that it is to be delivered to the officer of civil status before the celebration of the marriage. Civ. C. 1081 et seq., 1091 et seq., 1317."

CHAPTER II.

OF THE SYSTEM OF COMMUNITY.

FIRST PART.

OF LEGAL COMMUNITY.

ART. 1400. "Community which is established by the simple declaration that the persons marry under the system of community, or by the non-existence of a contract, is governed by the rules laid down in the six following sections."

SECTION I.

OF WHAT FORMS PART OF THE COMMUNITY AS TO ASSETS AND LIABILITIES.

Sec. 1. Of Assets of the Community.

ART. 1401. "The assets of the community comprise:

2. All profits, revenues, interest and arrears, of whatever nature they may be, which have become due or have been collected during the marriage and coming from the property belonging to the husband and wife at the time of the celebration of the marriage, or from the property received by them during the marriage, in any manner whatsoever."

ART. 1402. "Every piece of real estate is considered as a purchase of the community, unless it be proved that the husband or the wife had the ownership or legal possession thereof previously to the marriage or that it has come to one of them since the marriage, by way of succession or donation. Civ. C. 1401-3, 1404 et seq., 1499, 2228 et seq."

ART. 1403. "Wood which has been felled and the product of quarries and mines belong to the community insofar as they can be considered as usufruct, in accordance with the rules laid down in title Of Usufruct, Use and Habitation.

If the wood which, according to such rules, might have been felled during the community has not been cut, compensation shall be due to the husband or wife who does not own the property or to his or her heirs.

If the quarries and mines have been opened during the marriage their product only forms part of the community subject to compensation or an indemnity in favor of the husband or wife to whom the same may be due. Civ. C. 521, 552, 590 et seq., 598, 716, 1437, 1468 et seq."

ART. 1404. "Real estate which the husband and wife owned at the time of the celebration of the marriage or which comes to them during its continuance, by way of inheritance, does not form part of the community.

However if the husband or wife acquires real estate since the marriage contract, but before the celebration, and it has been stipulated that it should be community property, the real estate acquired during that time shall form part of the community, unless the acquisition has been made in consequence of some clause of the marriage contract, in which case it shall be governed by the agreement. Civ. C. 1396, 1399, 1401 et seq., 1470, 1493, 1497-3, 1505."

ART. 1405. "Donations of real estate which are made during the marriage to one only of the married parties do not form part of the community and belong to the donee alone, unless the donation expressly stipulates that the thing given shall belong to the community. Civ. C. 1134, 1401 et seq., 1470, 1493."

ART. 1406. "Real estate abandoned or assigned by the father, mother or other ascendant to the husband or wife either to make up what is due to him or her, or upon condition of paying the donor's debts to third parties, does not form part of the community, subject, however, to compensation or an indemnity. Civ. C. 1075 et seq., 1081 et seq., 1433, 1437, 1473."

ART. 1407. "Real estate acquired during the marriage by way of exchange for real estate belonging to the husband or wife does not form part of the community and is subrogated in the place and stead of the real estate which has been conveyed; subject to compensation if there is a balance due Civ. C. 1434 et seq., 1468 et seq., 1493, 1702 et seq."

ART. 1408. "A purchase made during the marriage at public sale or otherwise of a portion of real estate of which one of the married persons was the joint owner does not constitute an acquest; but an indemnity shall be due to the community for the sum which it has expended for such purchase.

In case the husband becomes the sole purchaser in his own name of a portion or of all the real estate belonging jointly to the wife, or is the highest bidder, the wife may at the dissolution of the community elect whether she wishes to abandon the property to the community, and the community then becomes the debtor of the wife for the portion of the price due to her, or whether she wants to take the real estate and pay the purchase price to the community. Civ. C. 815 et seq., 883, 1435, 1437, 1468 et seq., 1493, 1686 et seq."

Sec. 2. Of the Liabilities of the Community and of the the Actions resulting therefrom against the Community.

ART. 1409. "The liabilities of the community are composed of:

1. All the personal debts which the husband and wife owed at the time of the celebration of their marriage or with which the successions coming to them during the marriage are burdened, subject

to compensation for all debts relating to real estate belonging individually to either the husband or the wife.

2. The debts contracted by the husband during the community, or by the wife with the consent of the husband, both as to principal and as to arrears or interest, subject to compensation when due.

3. The revenue and interest of annuities or of liabilities, but only when they are personal to both the husband and wife.

5. The debts due for support of the husband or wife, for the education and maintenance of the children and for all other charges resulting from the marriage. Civ. C. 203 et seq., 527 et seq., 605 et seq., 612, 1401, 1410 et seq., 1419 et seq., 1437 et seq., 1473, 1510 et seq., 1905."

ART. 1410. "The community is only liable for the personal debts contracted by the wife previously to the marriage, when they are established by an official instrument which has been made before the marriage or when they have been given a positive date before that time, either by registration or by the death of one or more of the persons who signed such instrument.

A creditor of the wife by virtue of an instrument which has no positive date previously to the marriage can only proceed against her for payment out of the bare ownership of her individual real estate.

A husband who claims to have paid a debt of this kind for his wife cannot ask her or her heirs to repay it. Civ. C. 1235, 1317, 1328, 1413, 1417, 1424, 1426, 1485."

ART. 1411. "The debts of a succession of purely personal property which comes to the husband and wife during the marriage shall all be paid out of the community. Civ. C. 724, 870, 1409-1414 et seq., 1498, 1510 et seq."

ART. 1412. "The debts of a succession purely of real estate which comes to the husband or wife during the marriage shall not be paid out of the community; subject nevertheless to the right which belongs to the creditors to proceed against the real estate of such succession to obtain payment.

Nevertheless, if the succession devolves upon the husband, the creditors may proceed to obtain payment either against all the individual property of the husband or even against the property of the community; but in the latter case compensation is due to the wife or to her heirs. Civ. C. 878, 1413 et seq., 1437, 1470, 1493."

ART. 1413. "If a succession composed entirely of real estate devolves upon the wife and she has accepted it with the consent of her husband, the creditors of the succession may proceed to recover payment against all the separate property of the wife; but if the succession has only been accepted by the wife with the authority of the Court upon the refusal of the husband, the creditors, in case the real estate of the succession is insufficient, can only proceed against the other individual property of which the wife has the bare ownership. Civ. C. 217, 219, 776, 1416 et seq., 1424, 1426."

ART. 1414. "When the succession devolved upon the husband or wife is partly of personal property and partly or real estate, the debts with which it is burdened shall only be paid out of the community to the extent of the portion which the personal property should contribute towards the payment of debts, taking into account the value of such personal property as compared with the value of the real estate.

Such contributive proportion is fixed according to the inventory which the husband must cause to be drawn up either for his own account, if the succession concerns him personally, or as directing his wife and authorizing her to act, in case the succession devolves upon her. Civ. C. 795 et seq., 1411 et seq., 1415 et seq."

ART. 1415. "If no inventory has been made and in all cases in which this fact is prejudicial to the wife, she or her heirs may, upon the dissolution of the community, proceed to recover the indemnities lawfully due and they may even prove the nature and the value of the personal property not inventoried, as well by private documents and papers as by witnesses, and if necessary by common repute."

ART. 1416. "The provisions of article 1414 do not prevent the creditors of a succession composed partly of personal property and partly of real estate from proceeding to recover payment out of the property of the community, whether the succession has devolved upon the husband or the wife, when the latter has accepted it with the consent of the husband; all of which is subject to the indemnities respectively due.

The same rule applies if the succession has only been accepted by the wife with the authority of the Court, and if nevertheless the personal property has been mixed with the property of the community without any previous inventory. Civ. C. 219, 1414, 1417 et seq., 1437, 1470, 1493, 1510. 1519, 1524."

ART. 1418. "The rules laid down in articles 1411 and the following, apply to the debts in connection with a donation as well as to those resulting from a succession. Civ. C. 894 et seq."

ART. 1419. "Creditors can proceed to recover payment of the debts which the wife has contracted with the husband's consent as well against all the community property as against the property of the husband or wife; subject to the compensation due to the community or the indemnity due to the husband. Civ. C. 217, 1401, 1409-2, 1426, 1436 et seq., 1470, 1493, 2208."

ART. 1420. "Every debt which has been contracted by the wife by virtue only of a general or special power of attorney of the husband shall be paid by the community; and the creditor cannot proceed to enforce payment either against the wife or against her personal property. Civ. C. 1409-2, 1431, 1984 et seq., 1990."

SECTION II.

OF THE ADMINISTRATION OF THE COMMUNITY AND OF THE EFFECTS OF THE ACTS OF THE HUSBAND OR WIFE WITH RESPECT TO CONJUGAL PARTNERSHIP.

ART. 1421. "The husband has the sole management of the community property.

He can sell, convey and mortgage it without the concurrence of the wife. Civ. C. 818, 1401 et seq., 1422 et seq., 1428 et seq., 1531, 1549, 2124, 2208."

ART. 1424. "The fines imposed upon the husband for a crime which does not occasion civil death (1) can be enforced against the community property, subject to the indemnity due to the wife; those imposed upon the wife can only be collected from the individual property of which she has the bare ownership so long as the community last. Civ. C. 23, 25, 1409, et seq., 1425 et seq., 1437."

ART. 1425. (Repealed by Law of May 31, 1854.) "Sentences passed upon the husband or wife for a crime occasioning civil death can only be enforced against his or her share of the community and his or her individual property."

ART. 1426. "The acts performed by the wife without the husband's consent, and even with the authority of the Court, do not affect community property unless she has acted as a public trader and for the purposes of her trade. Civ. C. 217 et seq., 225, 1413, 1416 et seq., 1427, 1990."

ART. 1427. "A wife cannot bind herself, nor bind the community property, even to get her husband out of prison or for the establishment of her children in her husband's absence, without being authorised by the Court. Civ. C. 203 et seq., 217 et seq., 1535, 1538, 1555 et seq."

ART. 1428. "A husband has the management of all the individual property of the wife.

He can prosecute alone all personal and possessory actions which belong to the wife."

He cannot convey his wife's individual real estate without her consent."

He is responsible for all damages to the individual property of the wife caused by his failure to take proper measures of preservation. Civ. C. 213, 818, 1137, 1382, 1421, 1429 et seq., 1531, 1536, 1549, 1562, 1576, 2254 et seq."

ART. 1429. "Leases made by the husband alone of property belonging to the wife for a time exceeding nine years are, in case of dissolution of the community, only binding upon the wife or her heirs for the time which remains to run, either of the first period of nine years, if it has not expired, or of the second, and so on, so that the lessee only has the right to complete the time of tenancy of the period of nine years in which he finds himself. Civ. C. 595, 1430, 1709 et seq., 1718."

ART. 1430. "Leases for nine years or less which the husband alone has executed or renewed of property of his wife more than three years before the expiration of the running lease, in case of country property, and more than two years before such time, in case of dwellings, shall be void unless they have commenced to run previously to the dissolution of the community. Civ. C. 1429."

ART. 1431. "A wife who binds herself jointly with her husband as regards matters of the community or relating to the husband, is, with respect to him, only presumed to have bound herself as surety; she must be indemnified against the obligation which she has assumed. Civ. C. 1200 et seq., 1432, 1438, 1478, 1482 et seq., 1487, 1494 et seq., 2011 et seq."

ART. 1432. "A husband who guarantees, jointly and severally or otherwise, a sale made by his wife of some of her individual real estate, is likewise entitled, if he is attacked, to be indemnified either out of her share of the community or out of her individual property. Civ. C. 1431."

ART. 1433. "If real estate belonging to the husband or wife has been sold, or if land burdens relating to a tenement belonging individually to one of them, have been redeemed in cash and the price has been paid to the community without any part of it being reinvested for the benefit of the owner, such price shall be taken out of the community for the benefit of the husband or wife who was the owner, either of the real estate sold or of the burdens redeemed. Civ. C. 637 et seq., 686 et seq., 1434 et seq., 1437, 1470, 1473, 1493."

ART. 1435. "A declaration of the husband that the purchase is made with the monies coming from a sale of real estate made by the wife and is to be reinvestment for her benefit is not sufficient, if such reinvestment has not been formally accepted by the wife; if she has not accepted it, she simply has the right upon the dissolution of the community to the repayment of the price of her real estate so sold. Civ. C. 1407 et seq., 1437, 1470, 1493, 1559, 1595."

ART. 1436. "Compensation for the price of real estate belonging to the husband is only taken out of the assets of the community; compensation for the price of real estate belonging to the wife is taken out of the individual property of the husband in case the community property is insufficient. In all cases the compensation is only effected on the basis of the sale, whatever allegations may be made concerning the value of the real estate sold. Civ. C. 1437, 1468 et seq."

ART. 1437. "Whenever a sum is taken out of the community to pay the individual debts or charges of the husband or wife, such as the price or part of the price of individual real estate or the redemption of land burdens or the recovery, preservation or improvement of his or her individual property, and generally whenever the husband or wife has derived a personal benefit from property belonging to the community, he or she owes compensation therefor. Civ. C. 1403, 1406 et seq., 1412, 1415 et seq., 1419, 1423 et seq., 1431, 1433 et seq., 1468 et seq., 1473."

ART. 1438. "If the father and mother have jointly endowed a child of the marriage without mentioning what portion they meant to contribute, each of them is supposed to have given a half, whether the dowry has been given or agreed to be given out of property of the community or out of individual property of the husband or wife.

In the second case the husband or wife whose real estate or personal property has been given as dowry has against the property of the other a cause of action for an indemnity of one-half of such dowry based upon its value at the time of the donation. Civ. C. 203 et seq., 1081 et seq., 1422, 1431, 1469, 1544 et seq."

ART. 1439. "A dowry given by the husband alone to a child of the marriage out of property of the community is chargeable to the community; and in case the wife accepts the community she is liable for one-half of the dowry, unless the husband has expressly declared that he is liable for the whole or a greater portion than a half. Civ. C. 1422, 1427, 1438."

ART. 1440. "Every person who gives a dowry is obliged to guarantee it; and the interest runs from the day of the marriage, even if time is allowed for payment, unless there is some stipulation to the contrary. Civ. C. 75, 1153 et seq., 1186 et seq., 1547 et seq., 1570, 1626 et seq., 1907."

SECTION III.

OF THE DISSOLUTION OF THE COMMUNITY AND OF SOME OF ITS CONSEQUENCES.

ART. 1441. "A community is dissolved: 1. by natural death; 2. by civil death (1); 3. by divorce; 4. by separation from bed and board; 5. by separation of property. Civ. C. 23 et seq., 124, 129 et seq., 227, 311, 1443 et seq."

ART. 1442. "The failure to make an inventory after the natural or civil death (1) of the husband or wife does not cause the community to continue, subject to the proceedings which interested parties may institute with relation to such property and effects as the community was composed of as to which proof may be made as well by documents as by common repute.

If there are minor children, the failure to have made an inventory also causes the surviving husband or wife to lose the enjoyment of the income of such children; and the assistant guardian who has not compelled the husband or wife to make an inventory is jointly and severally liable with him or her with respect to all judgments given in favor of the minors. Civ. C. 384 et seq., 420, 451, 795, 1415, 1456, 1482 et seq., 1504."

ART. 1443. "A separation of property can only be sued for in Court by the wife whose dowry is in danger and when the husband's affairs are in such disorder that there is reason to fear that his property will not be sufficient to answer for the wife's rights and claims."

ART. 1444. "A separation of property, although ordered by the Court, is void unless it has been followed by an actual settlement of the rights and claims of the wife made in a public instrument, to the extent of the husband's property, or at least unless proceedings have been commenced within a fortnight of the judgment and have not been interrupted since then. Civ. C. 1595-1."

ART. 1445. Every separation of property must be made public before it takes effect, by a notice posted on a board intended for that purpose in the principal court-room of the Tribunal of First Instance, and also, if the husband is a merchant, banker or trader, in the principal court room of the Tribunal of Commerce of the place of his domicile, and if all this has not been done, the judgment shall be void."

ART. 1446. "The wife's personal creditors cannot apply for a separation of property without her consent.

Nevertheless, in case of bankruptcy or insolvency of the husband, they may enforce her rights as debtor to the extent of the amount of their claims. Civ. C. 1166, 1410, 1447, 1464."

ART. 1448. "A wife who has obtained a separation of property must contribute as well towards the household expenses as towards those of the education of the children of the marriage, in proportion to her means and those of her husband.

She shall bear these expenses entirely if the husband is left without means. Civ. C. 203, 212, 1537, 1575."

ART. 1449. "A wife separated, either from bed and board or only as to property, regains the independent management of her property.

She can dispose of her personal property and convey it.

She cannot dispose of her real estate without the consent of her husband or without being authorized by the Court, in case of his refusal. Civ. C. 215, 217 et seq., 311, 1124, 1421, 1450 et seq., 1536 et seq., 1576."

ART. 1450. "A husband is not liable for the failure to invest or reinvest for her benefit the proceeds of real estate which the wife who is separated as to property has conveyed with the consent of the Court, unless he has taken part in the contract or it is proved that the funds have been received by him or have been used for his benefit.

He is answerable for the omission to invest or reinvest for the benefit of the wife, if the sale has been made in his presence and with his consent; he is not liable for the soundness of such investment. Civ. C. 1426 et seq."

ART. 1451. "A community which is dissolved by a separation, either from bed and board or of property only, can be reestablished by consent of both parties.

In such case the community which is reestablished produces its effect from the time of the marriage; things are put back in the same state as if there had been no separation, without prejudice, nevertheless, to the fulfilment of the acts which have been performed during such interval by the wife in accordance with article 1449."

"Any agreement by which the husband and wife reestablish their community under different conditions from those which governed it previously shall be void. Civ. C. 6, 309, 900, 1133, 1172, 1317, 1394 et seq., 1443 et seq."

ART. 1452. "A dissolution of community brought about by a divorce or a separation from bed and board or of property only does not entitle the wife to her rights as survivor; but she retains the right to enforce them upon the natural or civil death (1) of her husband. Civ. C. 299, 311, 1518."

SECTION IV.

OF ACCEPTANCE OF THE COMMUNITY AND OF THE RENUNCIATION WHICH CAN BE MADE, WITH THE CONDITIONS RELATING THERETO.

ART. 1453. "After the dissolution of the community, the wife or her heirs and legal representatives have the right to accept or renounce it; any agreement to the contrary is void. Civ. C. 1395, 1463, 1466, 1492, 1520, 1524."

ART. 1454. "A wife who has interfered with the property of the community can no longer renounce."

ART. 1455. "A wife of full age who, in a public instrument, has admitted that she was married under the community system can no longer renounce, nor cause such stand to be taken away from her, even if she has taken it before she has the inventory drawn up, unless there has been some fraud on the part of the husband's heirs. Civ. C. 488, 776, 778, 783, 1116, 1304."

ART. 1456. "A wife who survives and wishes to retain the right to renounce the community must, within three months of the day of her husband's death, cause a true and faithful inventory to be made of all the community property, in the presence of the husband's heirs or after they have been duly summoned.

Upon the closing of such inventory she must affirm in the presence of the public officer who has drawn it up, that it is true and correct. Civ. C. 793 et seq., 1463, 1482."

ART. 1457. "She must make her renunciation, at the clerk's office of the Tribunal of First Instance in the district where her husband had his residence, within three months and forty days after his death; this instrument must be recorded in the register kept to receive renunciations of successions. Civ. C. 102, 110, 784, 793, 795 et seq., 1458 et seq., 1492 et seq."

ART. 1458. "A widow may, according to circumstances, apply to the Tribunal of First Instance for an extension of the time fixed by the foregoing article for her renunciation; such extension shall, if necessary, be ordered after hearing the husband's heirs or after they have been duly summoned. Civ. C. 798 et seq., 1461 et seq."

ART. 1459. "A widow who has not made her renunciation within the time above specified does not forfeit her right to renounce, if she has not interfered and has made an inventory; proceedings, however, may be taken against her as being in community until she has renounced, and she must pay the costs up to the time of her renunciation.

Proceedings can likewise be brought against her after the expiration of forty days from the closing of the inventory, if it has been closed before the three months. Civ. C. 789, 794 et seq., 797, 800, 1454, 1456."

ART. 1460. "A widow who has converted or concealed effects of the community is held to be in community, notwithstanding her renunciation; the same rule applies to her heirs. Civ. C. 792, 801, 1477."

ART. 1461. "If a widow dies before the expiration of the three months without having made or completed the inventory, the heirs shall have a new period of three months from the death of the widow to make or complete the inventory and of forty days for deliberation after the inventory is closed.

If the widow dies after having completed the inventory, her heirs shall have a new period of forty days from the time of her death for deliberation."

ART. 1462. "(Repealed by law May 31, 1854). The provisions of articles 1456 and the following shall apply to the wives of individuals civily dead from the time the civil death has commenced."

ART. 1463. "A woman who is divorced or separated from bed and board and who has not accepted the community, within the three months and forty days since the divorce or the separation has been finally decreed, is supposed to have renounced it, unless, within the time so allowed, she has obtained an extension from the Court, after the husband has appeared or has been duly summoned. Civ. C. 311, 1444, 1456 et seq., 1518."

ART. 1464. "The creditors of the wife may attack the renunciation made by her or her heirs which would defraud them of their claims, and may accept the community for their own account. Civ. C. 788, 1166 et seq., 1446 et seq., 2225."

ART. 1465. "A widow, whether she accepts or renounces the community, has the right, during the three months and forty days which are allowed her for making inventory and for deliberation, to take her food and the food of the servants out of the existing provisions, and if there be none, to borrow for that purpose on the credit of the assets of the community, provided she makes use of such right with moderation.

She owes no rent for the premises she may have occupied during such time in a house forming part of the community or belonging to the husband's heirs; and if the house which the husband and wife lived in at the time of the dissolution of the community was occupied by them by virtue of a lease, the wife shall not, during the same time, contribute to the payment of the rent, which shall be taken out of the assets of the community. Civ. C. 1409-5, 1495, 1570."

ART. 1466. "In case of dissolution of the community by the death of the wife, her heirs may renounce the community within the time and in the manner prescribed by law for the surviving wife. Civ. C. 724, 781, 1453, 1456 et seq., 1460 et seq., 1464, 1475, 1491."

SECTION V.

OF DIVISION OF THE COMMUNITY AFTER ACCEPTANCE.

ART. 1467. "After acceptance of the community by the wife or her heirs, the assets are divided and the liabilities are assumed in the manner hereinafter set forth. Civ. C. 815 et seq., 1401, 1409, 1453, 1468 et seq."

Sec. 1.--Of Division Of Assets.

ART. 1468. "The husband or wife or their heirs must return to the corpus of the existing property everything they owe the community by way of compensation or indemnity, according to the rules above prescribed in section II of the first part of the present chapter. Civ. C. 829, 843 et seq., 858, 1406 et seq., 1412, 1419, 1421 et seq., 1437."

ART. 1469. "The husband or wife, or his or her heirs, must likewise return the sums which have been taken out of the community or the value of the property which he or she has used to endow a child of their marriage. Civ. C. 829 et seq., 1081 et seq., 1422, 1438 et seq., 1544."

ART. 1470. "Out of the corpus of the property the husband and wife or his or her heir take:

1. His or her individual property which has not become community property, if it exists in kind, or the property which has been acquired by way of reinvestment.

2. The price of the real estate belonging to him or her which has been conveyed during the community and which has not been reinvested."

ART. 1471. "The compensation due to the wife takes precedence of that due to the husband.

It is taken as to the property which does not exist in kind, first out of the ready money, then out of the personal property, and subsequently out of the real estate of the community; in the last case the choice of the real estate is left to the wife and to her heirs. Civ. C. 1436, 2093, 2121."

ART. 1472. "A husband can only enforce his right to take back as against the property of the community.

The wife and her heirs in case the community property should be insufficient, can enforce their right to take back against the individual property of the husband. Civ. C. 1421, 1436, 1495, 2135."

ART. 1473. "The reinvestments and compensation due to the husband or wife by the community, and the compensation and indemnities due by them to the community, bear interest as a matter of right from the day of the dissolution of the community. Civ. C. 1153 et seq., 1440 et seq., 1479, 1905 et seq."

ART. 1474. "After all the returns due to the husband and wife have been satisfied out of the assets, the surplus is divided by halves between the husband and wife or those who represent them. Civ. C. 1476, 1482, 1509."

ART. 1475. "If the wife's heirs do not agree and one has accepted the community while the other has renounced, the one who has accepted can only take his individual and hereditary share out of the property which falls to the wife's portion.

The husband retains the balance and remains liable to the heir who renounces for the rights which the wife might have exercised in case of renunciation, but only to the extent of the individual hereditary share of the heir who has renounced. Civ. C. 782, 870, 873, 1466, 1491, 1495."

ART. 1477. "If the husband or wife has diverted or concealed any effects of the community, he or she shall be deprived of his or her share of said effects. Civ. C. 792, 801, 1460."

ART. 1478. "If either the husband or wife remains the personal creditor of the other after the division is closed, for instance, when the proceeds of his or her property have been used to pay a personal debt of the other, or for any other cause, he or she can enforce his or her claim against the share of the community coming to the other or against the other's individual property. Civ. C. 1432, 1479 et seq., 1511, 1513."

ART. 1479. "The personal claims which the husband or wife have to bring against each other only bear interest from the day a legal action has been brought. Civ. C. 1153, 1440, 1473, 1512, 1570."

ART. 1480. "The donations which the husband or wife may have made one another shall only be taken out of the share of the donor in the community and out of such donor's individual property. Civ. C. 1091, 1438 et seq., 1478, 1483."

ART. 1481. "The wife's mourning shall be paid for by the heirs of the predeceased husband.

The amount of such mourning depends upon the husband's fortune.

It is due to the wife even when she renounces the community. Civ. C. 1465, 1492, 1570."

Sec. 2.--Of Liabilities of the Community and

of Contribution to Debts.

ART. 1482. "Debts of the community are due by the husband and wife or by their heirs, each for one half; the expenses for the seals, the inventory, the sale of personal property, the liquidation, the judicial sale of real estate and the division form part of such debts. Civ. C. 1409 et seq., 1414, 1490, 1510."

ART. 1483. "A wife is only liable for the debts of the community, either with respect to the husband or with respect to the creditors, to the extent of her share, provided a true and faithful inventory has been made, and taking into account as well the contents of such inventory as what has come to her under the division. Civ. C. 1456, 1474, 1486, 1510 et seq."

ART. 1484. "The husband is liable for all the debts of the community contracted by him; subject to his remedy against the wife or her heirs for one-half of such debts. Civ. C. 1478, 1482, 1486."

ART. 1485. "He is only liable for one-half of those which were personal to the wife and have fallen into the community. Civ. C. 1410, 1413."

ART. 1486. "The wife can be sued for all the debts incurred by her and which have fallen into the community, subject to her remedy against the husband or his heir, for one-half of such debts. Civ. C. 1478, 1484, 1490."

ART. 1487. "The wife, even when personally liable for a debt of the community, can only be sued for one-half of such debt, unless she is jointly and severally liable. Civ. C. 1200, 1431, 1489."

ART. 1488. "The wife who has paid a debt of the community beyond her half, cannot claim from the creditor the return of the amount paid in excess, unless the receipt states that what she paid was for her half. Civ. C. 1235, 1377, 1410."

ART. 1489. "The husband or wife who, owing to the effect of a mortgage encumbering real estate which has come to him or her upon a division, is sued for the whole of a community debt, has as a matter of right a remedy for one-half of such debt against the other or his or her heirs. Civ. C. 873, 1488, 2114."

ART. 1491. "Everything hereabove stated with respect to the husband or wife applies to the heirs of either of them; and such heirs have the same rights and are subject to the same actions as the married person whom they represent. Civ. C. 724, 1461, 1475, 1495, 1566."

SECTION VI.

OF RENUNCIATION OF THE COMMUNITY AND ITS EFFECTS.

ART. 1492. "The wife who renounces loses all her rights to the property of the community and even to the personal property which has become part of it through her.

She only takes back the linen and clothes for her own use. Civ. C. 1454, 1457, 1493 et seq., 1495-2, 1566-2."

ART. 1493. "The wife who renounces has the right to take back:

1. The real estate belonging to her, when it exists in kind, or the real estate which has been purchased by way of reinvestment.

2. The proceeds of the real estate belonging to her which has been conveyed and which proceeds have not been reinvested with her consent, as above stated.

3. All the indemnities which may be due to her from the community. Civ. C. 1404 et seq., 1433 et seq., 1470."

ART. 1494. "The wife who renounces is released from all contribution to the debts of the community, as well with respect to the husband as with respect to the creditors. However, she remains liable towards the creditors when she has bound herself jointly with her husband or when the debt which has become a community debt was one for which she was originally liable; all of which being subject to her remedy against the husband or his heirs. Civ. C. 1431, 1482, 1487."

ART. 1495. "She can enforce all causes of action and rights to take back, in the manner above set forth, as well against the community property as against the individual property of the husband.

Her heirs can do the same, with the exception of what relates to taking linen and clothes and to board and lodging during the time allowed to make the inventory and for deliberation, which rights are purely personal to the surviving wife. Civ. C. 1054, 1465, 1492, 1514."

Provision Relating To Legal Community

When Either The Husband Or Wife, Or

Both, Have Children Of Previous Marriages.

ART. 1496. "Everything hereabove stated shall be followed, even when either the husband or wife, or both of them, have children of previous marriages.

If, however, the merger of the personal property and of the debts has occasioned an advantage for the benefit of the husband or wife greater than what is allowed by article 1098 of the title Of Donations Inter Vivos and Of Wills, the children of the first marriage shall be entitled to bring an action for reduction against such husband or wife. Civ. C. 1098, 1401, 1527."

SECOND PART.

Of Conventional Community And Of Agreements Which

May Modify Or Even Exclude Legal Community.

ART. 1497. "The husband and wife may modify the legal community by all sorts of agreements not prohibited by articles 1387, 1388, 1389, and 1390.

The principal changes are those which take place by making stipulations in one of the following ways, viz:

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4. That the husband and wife shall pay individually the debts which they had previously to the marriage.

5. That in case of renunciation, the wife shall be able to take back the property she has contributed, free of all charges.

7. That the husband or wife shall have unequal shares.

8. That there shall exist between them a universal community. Civ. C. 1387 et seq., 1498, 1500 et seq., 1510, 1514, 1520 et seq."

SECTION I.

OF COMMUNITY REDUCED TO ACQUESTS.

ART. 1498. "When the husband and wife stipulate that there shall only be a community of acquests between them, they are supposed to exclude from the community the present and future debts of each of them and their respective present and future personal property.

In such case, and after the husband and wife have each taken back the property contributed by them, of which due proof shall be made, the division is limited to the acquests made together or separately during the marriage by the husband and wife and resulting as well from the common work as from the savings produced by the revenue and income of the property of the husband and wife. Civ. C. 1404 et seq., 1581."

ART. 1499. "(Law of April 29, 1924). The personal property existing at the time of the marriage or which has come to them since then is considered as constituting acquests, unless proof to the contrary is made, in accordance with common law, with regard to third parties.

Between husband and wife the mode of making proof is governed by articles 1502 and 1504. Civ. C. 527 et seq., 535, 1415, 1504, 1581."

SECTION II.

OF THE CLAUSE EXCLUDING PERSONAL PROPERTY,

WHOLLY OR IN PART, FROM THE COMMUNITY.

ART. 1500. "The husband and wife may exclude all their present or future personal property from the community.

When they stipulate that they shall reciprocally include some of such property in the community up to the amount of a fixed sum or value, they are supposed by that fact alone to have reserved the balance. Civ. C. 1401, 1421 et seq., 1503 et seq."

ART. 1501. "Such clause makes the husband or wife liable to the community for the sum which he or she has promised to contribute and compels him or her to prove that such contribution has been made. Civ. C. 1315, 1468, 1502 et seq., 1511, 1845 et seq."

ART. 1502. "The contribution is sufficiently proved as to the husband by the declaration inserted in the marriage contract that his personal property is of a stated value.

It is sufficiently proved as to the wife by the receipt given by the husband to her or to those who have endowed her. Civ. C. 1501, 1504."

ART. 1503. "Both the husband and wife have the right to take back and deduct, at the time of the dissolution of the community, the increase in value of the personal property which he or she brought at the time of the marriage or of the property which has come to him or her since then, over his or her contribution of the community. Civ. C. 1428, 1470, 1498, 1531 et seq."

ART. 1504. "The personal property which comes to either the husband or wife during the marriage must be identified by an inventory.

If there is no inventory of the personal property belonging to the wife, she or her heirs are entitled to prove the value of such personal property, either by documents or by witnesses or by common repute. Civ. C. 1415, 1442, 1499."

SECTION III.

OF THE CLAUSE CONVERTING REAL ESTATE INTO PERSONAL PROPERTY.

ART. 1505. "When the husband and wife or one of them has included in the community all or part of their present or future real estate, this clause is called a conversion clause. Civ. C. 1401 et seq., 1497-3, 1506 et seq."

ART. 1506. "A conversion clause can be limited or unlimited.

It is limited when the husband or wife has declared that he or she wishes to convert and include in the community certain real estate either wholly, or to the extent of a given sum.

It is unlimited when the husband or wife has simply declared that he or she includes his or her real estate in the community up to a given sum. Civ. C. 1507 et seq."

ART. 1507. "The effect of a limited conversion clause is to make the real estate to which it applies community property in the same manner as personal property.

When a part of the real estate or all the real estate of the wife is thus converted, the husband can dispose of it in the same way as the other effects of the community and can convey the whole of it.

If the real estate is only thus converted for a given sum, the husband can only convey it with the wife's consent; but he can mortgage it without her consent to the extent only of the portion thus converted. Civ. C. 1401 et seq., 1421 et seq."

ART. 1508. "A non-specific conversion clause does not confer on the community the ownership of the real estate to which it applies; its effect is limited to compelling the husband or wife who has consented to it, to include in the assets at the time of the dissolution of the community, some of the real estate up to the amount promised by him or her.

The husband cannot, as in the foregoing article, convey the whole or part of the real estate to which the non-specific conversion clause applies without the consent of his wife; but he can mortgage it to the extent of such conversion clause. Civ. C. 1421, 1426, 1428, 2125."

ART. 1502. "Both the husband and wife have the right to take back and detain, at the time of the dissolution of the community, the increase in value of the personal property which he or she brought at the time of the marriage or of the property which has come to his or her share since then, over his or her contribution of the community." Civ. C. 1498, 1499, 1501 et seq."

ART. 1503. "The personal property which comes to either the husband or wife during the marriage must be identified by an inventory.

If there is no inventory of the personal property belonging to the wife, she or her heirs are entitled to prove the value of such personal property, either by documents or by witnesses or by common reputation." Civ. C. 1498, 1499, 1502."

SECTION III.

OF THE CLAUSE CONVERTING REAL ESTATE

INTO PERSONAL PROPERTY.

ART. 1504. "When the husband and wife or one of them has inserted in the community or part of their present or future real estate, this clause is called a conversion clause. Civ. C. 1401 et seq. 1497-8, 1506 et seq."

ART. 1505. "A conversion clause can be limited or unlimited.

It is limited when the husband or wife has declared that he or she wishes to convert and include in the community certain real estate either wholly, or to the extent of a given sum.

It is unlimited when the husband or wife has simply declared that he or she includes his or her real estate in the community up to a given sum. Civ. C. 1507 et seq."

ART. 1506. "The effect of a limited conversion clause is to make the real estate to which it applies community property in the same manner as personal property.

When a part of the real estate of all the real estate of the wife is thus converted, the husband can dispose of it in the same way as the other effects of the community and can convey the whole of it.

If the real estate is only thus converted for a given sum, the husband can only convey it with the wife's consent, but he can mortgage it without her consent to the extent only of the portion thus converted. Civ. C. 1401 et seq., 1451 et seq."

ART. 1507. "A non-specific conversion clause does not exempt the community the ownership of the real estate to which it applies from alienat is limited to empowering the husband or wife who has converted to it, to include in the assets of the community of the liabilities of the community, some of the real estate up to the amount promised by him or her.

The husband cannot, as in the foregoing article, convey the whole or part of the real estate to which the non-specific conversion clause applies without the consent of his wife; but he can mortgage it to the extent of such conversion clause. Civ. C. 1498, 1506, 1508, 1509."

ART. 1509. "The husband or wife who has subjected an inheritance to a conversion clause has at the time of the division the right to retain it by deducting from his or her share the value which it then has; and his or her heirs have the same right. Civ. C. 724, 1474."

SECTION IV.

OF THE CLAUSE OF SEPARATION OF DEBTS.

ART. 1510. "(Law of April 29, 1924). The clause by which the husband and wife agree that they will pay separately their personal debts binds them upon the dissolution of the community to respectively make good to each other the debts which are proved to have been paid by the community, for account of the one who owed them."

ART. 1511. "When the husband and wife bring into the community a certain sum or a specific thing, such contribution carries with it a tacit agreement that it is not burdened with any debts contracted previously to the marriage; and the husband or wife who is indebted shall make good to the other all the debts which lessen the value of the contribution promised. Civ. C. 1437, 1478 et seq., 1501, 1503."

ART. 1512. "The clause of separation of debts does not prevent the community from being charged with the interest and arrears which have accrued since the marriage. Civ. C. 612, 1154, 1409-2, 3, 1478, 1907."

ART. 1513. "When the community is sued for the debts of a husband of wife who has been declared in the marriage contract to be free and exempt from all debts previously to the marriage, the other is entitled to an indemnity which is taken either out of the share in the community of the one who is so indebted or out of his or her individual property; and in case of insufficiency, such indemnity can be claimed by way of guarantee from the father, the mother, the ascendant or the guardian who has declared that such husband or wife was free of debt.

Such guarantee may even be enforced by the husband during the community if the debts are due by the wife; subject in such case to the repayment due by the wife or her heirs to the guarantors after the dissolution of the community. Civ. C. 1382 et seq., 1437, 1441, 1478."

SECTION V.

OF THE RIGHT GRANTED TO THE WIFE TO TAKE

BACK HER CONTRIBUTION FREE AND CLEAR.

ART. 1514. "The wife may stipulate that in case of renunciation of the community she can take back all or part of what she has contributed, either at the time of the marriage or since; but this stipulation cannot extend beyond the things which she has positively specified, nor apply to other persons than those mentioned.

For instance, the right to take back the personal property which the wife brought upon the marriage does not extend to the property which has come to her during the marriage.

Moreover, the right granted to the wife does not extend to the children; and the right granted to the wife and the children does not extend to the ascendants or collateral heirs.

In all cases contributions can only be taken back after the personal debts of the wife which the community might have paid have been deducted. Civ. C. 1401, 1500 et seq., 1511, 1515, 1525, 1845 et seq., 1855."

SECTION VI.

OF CONVENTIONAL PRECIPUT.

ART. 1515. "The clause by which the surviving husband or wife is authorized to take, before any division is made, a certain sum or a certain quantity of personal effects in kind only gives the surviving wife the right to take the property when she accepts the community, unless the marriage contract has reserved such right to her, even if she renounces.

Apart from this exception, the preciput only operates as to the divisible assets and not against the individual property of the predeceased husband or wife. Civ. C. 1394, 1401, 1470, et seq., 1497-6, 1516 et seq."

ART. 1516. "Preciput is not looked upon as an advantage subject to the formalities of donations, but as a marriage agreement. Civ. C. 931, 1091, 1387, 1394, 1525, 1527."

ART. 1517. "Preciput takes effect upon natural or civil death (1). Civ. C. 23, 25, 227, 1441."

ART. 1518. "When the dissolution of the community takes place by divorce or separation from bed and board there is no occasion for delivery of the preciput at that time; but the husband or wife who has obtained either the divorce or the separation from bed and board retains his or her right to the preciput in case of survivorship. If it is the wife, the sum or the thing which forms the preciput always remains with the husband provisionally, on condition of giving security. Civ. C. 209 et seq., 306, 311, 1452, 2011."

ART. 1519. "The creditors of the community always have the right to cause the things forming part of the preciput to be sold, subject to the remedies of the husband or wife in accordance with article 1515. Civ. C. 1416, 1515."

SECTION VII.

OF THE CLAUSES BY WHICH UNEQUAL SHARES OF THE COMMUNITY ARE AWARDED TO THE HUSBAND AND WIFE.

ART. 1520. "The husband and wife may modify the equal partition established by law, either by giving to the survivor or his or her heirs, a share less than half of the community, or by only giving to such survivor a fixed sum for all community rights or by stipulating that in certain cases the whole community shall belong to the surviving husband or wife or to one of them only. Civ. C. 1474, 1497-7, 1521 et seq., 1524 et seq."

ART. 1521. "When it has been agreed that the husband or wife or his or her heirs shall only be entitled to a certain part of the community, such as a third or a fourth, the husband or wife or his or her heirs thus limited shall only be liable for the debts of the community in proportion to the share of the assets which they take.

The agreement is void if it compels the husband or wife or his or her heirs thus limited to bear a larger portion or if it exonerates them from bearing a portion of the debts equal to what they take in the assets. Civ. C. 6, 870, 900, 1133, 1172, 1387, 1811, 1855."

ART. 1522. "When it is agreed that the husband or wife or their heirs shall only be entitled to claim a certain sum for all his or her rights in the community, the clause is a bargain which compels the other or his or her heirs to pay the sum agreed upon, whether the community is solvent or insolvent or able or not to pay the amount. Civ. C. 1134, 1523 et seq."

ART. 1523. "If the clause only establishes the bargain with respect to the heirs of the husband or wife, he or she, in case of survivorship, is entitled to one-half upon the legal partition. Civ. C. 1474 et seq."

ART. 1524. "The husband or his heirs, when they keep all the community property by virtue of the clause contained in article 1520, are obliged to pay all the community debts.

In such case the creditors have no remedy against the wife or her heirs.

If the surviving wife is the one who, in consideration of a stipulated sum, has the right to retain all the community property as against the husband's heirs she may elect either to pay them such sum and remain liable for all the debts, or to renounce the community and abandon to the husband's heirs all the property and liabilities. Civ. C. 1453, 1483 et seq., 1492 et seq."

ART. 1525. "The husband and wife have the right to agree that all the community property shall belong to the survivor or to one of them only, but the heirs of the other can then take back the contributions or the capital derived from their principal and which have fallen into the community."

SECTION VIII.

OF COMMUNITY UNDER UNIVERSAL TITLE.

ART. 1526. "A husband and wife may be their marriage contract establish a universal community of their present and future personal property and real estate, or only of all their present property or only of all their future property. Civ. C. 1401, 1509, 1837."

ART. 1527. "That which is contained in the eight foregoing sections does not confine to their precise provisions, the conditions which may govern a conventional community.

The husband and wife may make all other conditions as is stated in article 1387, subject however, to the modifications contained in articles 1388, 1389, 1390."

Nevertheless, in case there should be children of a previous marriage, any agreement intended by its effects to give to the husband or wife more than the share allowed by article 1098 of the title Of Donations Inter Vivos and of Wills shall be void with respect to everything exceeding such portion; but the mere profits resulting from common work or the savings from the respective income, although unequal, or the husband and wife, are not considered as a liberality made to the detriment of the children of the first marriage. Civ. C. 1098, 1387, 1496, 1516, 1525."

ART. 1528. "Conventional community is governed by the rules of legal community in all cases excepting when modifications have been implicitly or explicitly made by the contract. Civ. C. 1400 et seq., 1497 et seq."

SECTION IX.

OF CONDITIONS EXCLUDING COMMUNITY.

ART. 1529. "When, without submitting themselves to the dotal system, the husband and wife declare that they marry without community, or shall be separated as to property, the effects of such an agreement shall be regulated as follows. Civ. C. 1387, 1392, 1530 et seq., 1536 et seq."

Sec. 1. Of The Clause Providing That The Husband Or Wife Marry Without Community.

ART. 1530. "A clause providing that the husband and wife marry without community does not give the wife the right to manage her property nor to collect the income thereof: such income is supposed to go to the husband to defray the household expenses. Civ. C. 203, 214, 1421, 1531 et seq., 1540, 1549."

ART. 1531. "The husband retains the management of the personal property and real estate of the wife, and in consequence, the right to collect all the personal property which she bring as dowry or which comes to her during the marriage, subject to the restitution thereof which he must make after the dissolution of the marriage or after the separation of property which may be ordered by the Court. Civ. C. 227, 311, 1421 et seq., 1428, 1443 et seq."

ART. 1532. "If the personal property brought as dowry by the wife or which comes to her during the marriage includes things which cannot be used without being consumed, a schedule and appraisal shall be added to the marriage contract or an inventory shall be made at the time they become due, and the husband must return their value according to the appraisal. Civ. C. 453, 587, 589, 600, 943, 950, 1502 et seq., 1551, 1556."

ART. 1534. "The clause contained in this subdivision does not prevent a stipulation being made to the effect that the wife may receive every year, upon her own receipt, a certain portion of the income for her maintenance and personal wants. Civ. C. 1530, 1536, 1549."

Sec. II. Of The Clause Of Separation Of Property.

ART. 1536. "When the husband and wife have stipulated in their marriage contract that there shall be a separation of property between them, the wife retains the entire management of her personal property and real estate and the free enjoyment of her income. Civ. C. 217, 219, 1449 et seq., 1537 et seq., 1576."

ART. 1537. "Each of the parties contributes to the household expenses according to the conditions contained in their contract; and if none have been made, the wife contributes to such expenses to the extent of one-third of her income. Civ. C. 203, 214, 1134, 1448, 1549, 1575."

ART. 1538. "The wife cannot in any case, nor in consequence of any agreement, convey her real estate without the express consent of her husband, or in case of his refusal, without being authorized by the Court.

Any general consent given to the wife to convey her real estate either in the marriage contract or since then, is void. Civ. C. 6, 217 et seq., 223, 1133, 1172, 1388, 1449 et seq., 1576."

ART. 1539. "When a wife separated as to property has left the enjoyment of her property to her husband, the latter is only bound either in case of a demand made upon him on the part of his wife, or at the dissolution of the marriage, to produce the income which exists, and he is not accountable for the income which has been previously spent. Civ. C. 1577 et seq."

CHAPTER III.

OF DOTAL SYSTEM.

ART. 1540. "Dowry under this system, as well as under the one specified in chapter II, is the property which the wife brings to the husband to defray the household expenses. Civ. C. 1391 et seq., 1438 et seq., 1502, 1530 et seq., 1541 et seq."

ART. 1541. "Everything the wife settles upon herself, or which is given to her by marriage contract, is dotal unless there is an agreement to the contrary. Civ. C. 1081 et seq., 1392, 1542 et seq., 1574 et seq."

SECTION I.

OF SETTLEMENT OF DOWRY.

ART. 1542. "A settlement of dowry may include all the present and future property of the wife, or all her present property only, or a part of her present and future property, or even an individual thing.

A settlement in general terms of all the wife's property does not include future property. Civ. C. 1162, 1541, 1574."

ART. 1543. "Dowry cannot be settled, or increased, during the marriage. Civ. C. 1394 et seq."

ART. 1544. "If the father and mother make jointly a settlement of dowry without specifying each one's share, such settlement shall be considered to have been made by equal portions.

If a settlement of dowry has been made by the father alone, out of property of the father and mother, the mother is not liable, even if she was present at the execution of the contract, and the father shall be liable for the entire dowry. Civ. C. 203 et seq., 1438 et seq., 1555 et seq."

ART. 1545. "If the survivor of the father and mother has made a settlement of dowry out of property of such father and mother without specifying the portions, the dowry shall first be taken out of the rights of the future husband or wife to the property of the deceased father or mother, and the balance out of the property of the one who has made the settlement. Civ. C. 1438 et seq., 1546."

ART. 1546. "Although a daughter endowed by her father and mother has property of her own of which they have the enjoyment, the dowry shall be taken out of their property, unless there is an agreement to the contrary. Civ. C. 384, 476, 1023, 1134."

ART. 1547. "Those who make a settlement of dowry are obliged to warrant the property settled. Civ. C. 1440, 1625 et seq."

ART. 1548. "The interest on the dowry begins to run as a matter of right against those who have promised it, from the day of the marriage, even if time has been allowed for its payment, unless there is an agreement to the contrary. Civ. C. 1154, 1186, 1440, 1570, 1907 et seq."

SECTION II.

OF THE RIGHTS OF THE HUSBAND TO THE DOTAL PROPERTY AND OF INALIENABILITY OF THE CAPITAL.

ART. 1549. "The husband has the sole management of the dotal property during the marriage.

However, it may be agreed in the marriage contract that the wife shall receive annually, upon her own acquittance, a part of her income, for her maintenance and her personal wants. Civ. C. 818, 1421, 1428, 1531 et seq., 1558 et seq., 2121, 2135."

ART. 1554. "Real estate settled as dowry cannot be conveyed or mortgaged during the marriage, either by the husband or wife, or by both of them jointly, excepting as follows. Civ. C. 1421, 1428, 1535, 1538, 1555 et seq., 1560 et seq., 1572, 1576, 2121."

ART. 1555. "The wife may, with the consent of her husband, or in case of his refusal with the approval of the Court, give her dotal property for the establishment of children whom she might have of a previous marriage; but if she is only authorized by the Court, she must reserve the enjoyment of such property to her husband. Civ. C. 203 et seq., 217 et seq., 578 et seq., 1427, 1438 et seq., 1544 et seq., 1556."

ART. 1556. "She may also, with the consent of her husband, give her dotal property for the establishment of the children of the marriage.

(Law of March 19, 1919). When the wife is more than forty-five years of age and there is no living issue of the marriage, she may with the consent of her husband and of the Court give her dotal property for public or private works of charity and benevolence or for works more particularly intended to encourage child birth, for the protection of childhood and for war orphans. Should the husband refuse his consent, the Court's consent is suffient to allow the wife to act, but in that case the husband retains the enjoyment of the property thus given. Civ. C. 217, 1427, 1544 et seq."

ART. 1558. "Dotal real estate may also be conveyed by order of the Court and at auction after three notices:

To get the husband or wife out of prison:

To pay the wife's debts or those of the persons who have given the dowry, when such debts have a positive date which is previous to the marriage contract:

In all these cases any surplus remaining of the selling price in excess of the acknowledged wants shall remain dotal property and shall be invested as such for the benefit of the wife. Civ. C. 606, 815, 827, 1317, 1328, 1387, 1427, 1552, 1554, 1562, 1595, 1686."

ART. 1559. "Dotal real estate can be exchanged with the wife's consent, for other real estate of the same value, to the extent of four-fifths at least, if the advantage of the exchange is shown and when the consent of the Court has been obtained based upon an estimate of experts which it has appointed of its own accord.

In such case the real estate received in exchange shall be dotal: the surplus above the price, if there is any, shall also be dotal and shall be invested as such for the benefit of the wife. Civ. C. 219, 1702 et seq."

ART. 1560. "If, outside of the exceptional cases which have just been explained, the wife or husband, or both of them jointly, convey the dotal property, the wife of her heirs may have the conveyance set aside after the dissolution of the marriage, and prescription cannot be set up against them during its continuance: the wife shall have the same right after a separation of property."

ART. 1563. "If the dowry is jeopardized, the wife can apply for a separation of property, as is stated in articles 1443 and the following. Civ. C. 1443 et seq."

SECTION III.

OF RESTITUTION OF DOWRY.

ART. 1564. "If the dowry consists of real estate:

Or of personal property not appraised in the marriage contract or appraised with a declaration that the appraisal does not deprive the wife of the ownership."

ART. 1566. "If the personal property of which the wife retains the ownership has been destroyed by use and not owing to the fault of the husband, he shall only be bound to return the things that remain and in the condition in which they are.

Nevertheless, the wife may, in all cases, take back her linen and clothes for her present use, but the value thereof shall be deducted, if such linen and clothes had been appraised when originally given. Civ. C. 589, 1382 et seq., 1492, 1495, 1551."

ART. 1569. "If the marriage has lasted ten years since the time fixed for the payment of the dowry has expired, the wife or her heirs may claim such dowry from the husband after the dissolution of the

marriage, without being bound to prove that he has received it, unless he shows that he has taken steps to obtain the payment thereof without result. Civ. C. 1350, 1352, 1502, 1567."

ART. 1570. "If the marriage is dissolved by the death of the wife, the interest and the revenue of the dowry which is to be returned begin to run as a matter of right for the benefit of her heirs from the day of the dissolution.

If it is by the death of the husband, the wife has the choice between claiming the interest on the dowry during the year of her mourning or claiming alimony during such time, at the expense of the husband's succession; but in both cases lodging and the wearing apparel of her mourning shall be supplied to her by the succession during that year, without deduction from the interest which she is entitled to. Civ. C. 1153 et seq., 1440, 1465 et seq., 1481, 1495, 1548, 1566, 1907."

ART. 1571. "At the dissolution of the marriage the revenue of the dotal real estate is divided between the husband and the wife or their heirs in proportion to the time it has run, during the last year."

ART. 1572. "The wife and her heirs have no priority rights over mortgage creditors of prior date for the restitution of the dowry. Civ. C. 954, 958, 963, 1054, 2095, 2114, 2121, 2134 et seq."

ART. 1573. "If the husband was already insolvent and has no trade or profession when the father settled a dowry upon his daughter, the latter is only bound to return to her father's succession the right of action which she has against the succession of her husband for repayment.

The loss of the dowry falls solely upon the wife. Civ. C. 843 et seq., 855, 1302 et seq., 1563, 1567."

SECTION IV.

OF PARAPHERNAL PROPERTY.

ART. 1574. "All the property of the wife which has not been settled as dowry is paraphernal. Civ. C. 1536 et seq., 1540 et seq., 2066."

ART. 1575. "If all the wife's property is paraphernal and if there are no conditions in the contract obliging her to assume a part of the household expenses, she contributes thereto to the extent of one-third of her income. Civ. C. 203 et seq., 1448, 1530, 1537."

ART. 1576. "The wife has the management and enjoyment of her paraphernal property.

But she cannot convey the same or appear in Court in connection therewith, without the consent of her husband, or upon his refusal without the approval of the Court. Civ. C. 215 et seq., 1536, 1538, 1555 et seq."

ART. 1577. "If the wife gives her power of attorney to the husband to manage her paraphernal property with the obligation to account to her for the revenue, he shall be liable to her, in the same manner as any attorney-in-fact. Civ. C. 1984, 1991, et seq., 1993 et seq."

ART. 1578. "If the husband has had the enjoyment of the paraphernal property of his wife without a power of attorney and nevertheless without opposition on her part, he is only bound, upon the dissolution of the marriage, or upon the first demand of the wife, to produce the existing revenue, and he is not accountable for the revenue which has been consumed up to that time. Civ. C. 578, 1539, 1579 et seq."

ART. 1579. "If the husband has had the enjoyment of the paraphernal property in spite of manifest opposition on the part of the wife, he is answerable to her for the entire revenue both existing and consumed. Civ. C. 1578."

SPECIAL PROVISION.

ART. 1581. "Although assuming the dotal system the husband and wife may nevertheless agree that there shall be an association as to acquests, and the effects of such association shall be regulated as is stated in articles 1498 and 1499. Civ. C. 1387, 1497."

TITLE SIXTH.

OF SALES.

CHAPTER II.

OF THOSE WHO MAY BUY OR SELL.

ART. 1595. "A contract of sale can only take place between husband and wife in the three following cases:

1. In case either the husband or the wife, when judicially separated as to property, assigns to the other some property in payment of his or her rights.

When the assignment made by the husband to the wife even when not separated as to property, has a legitimate cause, such as the reinvestment of proceeds of her real estate sold, or of funds belonging to her, if such real estate or funds do not form part of the community.

When the wife assigns property to her husband in payment of an amount which she has promised to give him as dowry and when there is no community."

CHAPTER VI.

OF AVOIDANCE AND RESCISSION OF SALES.

SECTION II.

OF RESCISSION OF SALES ON ACCOUNT OF INADEQUACY.

ART. 1676. "No action can be brought after the expiration of two years from the day of the sale.

The time runs against married women, absentees, interdicted persons and minors taking the place of a person of full age who has made the sale."

TITLE ELEVENTH

OF DEPOSIT AND SEQUESTRATION.

CHAPTER II.

OF DEPOSIT PROPERTY SO CALLED.

SECTION II.

OF VOLUNTARY DEPOSIT.

ART. 1940. "If the status of the person who has made the deposit has changed, for instance, if a wife, independent at the time the deposit was made, has since married, and is under the power of a husband; if a person of full age who has made a deposit is interdicted; in all such cases and others of the same kind, the deposit can only be returned to the person who has the administration of the rights and property of the depositor. Civ. C. 1925, 1940."

TITLE THIRTEENTH.

OF POWERS OF ATTORNEY.

CHAPTER I.

OF THE NATURE AND FORM OF POWERS OF ATTORNEY.

ART. 1990. "Women and emancipated minors can be selected as attorney-in-fact; but the principal has no cause of action against the attorney-in-fact who is a minor, except in accordance with the general rules relating to the obligations of minors, nor against a married woman who has accepted a power without the consent of her husband, except in accordance with the rules established under the title Of Marriage Contracts and of the Respective Rights of Husband and Wife. Civ. C. 217, 219, 481 et seq., 1029 et seq., 1124 et seq., 1305 et seq., 1312, 1420 et seq., 1426."

TITLE SIXTEENTH.

OF EXECUTION AGAINST THE PERSON IN CIVIL MATTERS (I).

ART. 2066. "It shall not be ordered against persons over seventy years of age, nor against married or unmarried women, except in case of stellionate.

Execution against the person for stellionate shall only be issued against married women during the marriage, when there is a separation of property or when they have property of which they have reserved to themselves the free administration, and on account of engagements relating to such property.

Married women, when there is community of property, who have bound themselves jointly and severally with their husbands cannot be considered guilty of stellionate on account of such agreements."

TITLE EIGHTEENTH.

OF PREFERENCES AND MORTGAGES.

CHAPTER III.

OF MORTGAGES.

SECTION I.

OF LEGAL MORTGAGES.

ART. 2121. "The rights and claims derived from a legal mortgage are:

Those of married women, on the property of their husband.

SECTION IV.

OF THE PRECEDENCE OF MORTGAGES

WITH RESPECT TO EACH OTHER.

ART. 2135. "A mortgage exists independently of any record:

1. In favor of minors and interdicted persons, on the real estate belonging to their guardian, with respect to his administration, from the day of the acceptance of the guardianship.

2. In favor of married women, for their dowries and marriage settlements, on the real estate of their husband, from the day of the marriage.

The wife only has a mortgage for the sums forming part of her dowry and coming from successions falling to her, or from donations made to her during the marriage, from the time of the opening of the successions or from the day when the donations have taken effect.

She only has a mortgage for the payment of debts which she has contracted with her husband or for the reinvestment of her individual property which has been conveyed, from the day of the obligation or of the sale."

ART. 2136. "Nevertheless, husbands and guardians are bound to make public the mortgages which encumber their property, and for that purpose to cause, of their own accord the recording to be made without delay at the offices established for that purpose, with respect to the real estate belonging to them or which may thereafter belong to them.

Husbands and guardians who, having failed to cause the recording ordered in the present article to be made, should consent or allow preferences or mortgages to take effect on their real estate without expressly declaring that the said property was subject to the legal mortgage of a wife and of minors, shall be considered guilty of stellionate and as such amenable to execution against the person. (1) Civ. C. 1142, 2059, 2066, 2135, 2137, et seq., 2146 et seq., 2193 et seq."

ART. 2139. "Relatives, either of the husband or of the wife, and those of minors, or in default of relatives, their friends, may cause the said recording to be made; the wife and the minors can also have it made. Civ. C. 2135 et seq., 2146 et seq., 2193 et seq."

ART. 2140. "When parties of full age have agreed in the marriage contract that the recording shall only be made as to one or more pieces of real estate of the husband, the real estate which is not mentioned for the recording shall remain free and unencumbered of liens for the wife's dowry, her claims and her marriage settlement. It is not allowed to agree that no recording shall be made. Civ. C. 1387 et seq., 2121 et seq., 2141 et seq., 2161."

ART. 2144. "The husband may, likewise, with the consent of his wife and after having taken the advice of her four nearest relatives assembled in a family meeting, apply to have the general mortgage covering all his real estate by reason of the dowry of the wife, her claims and her marriage settlements, limited to the real estate sufficient to secure the rights of the wife in their entirety. Civ. C. 406 et seq., 2121 et seq., 2140 et seq., 2145."

CHAPTER IV.

OF THE MODE OF RECORDING PREFERENCES AND MORTGAGES.

ART. 2153. "(Law of March 1, 1918). The rights of the State, of districts and of public establishments to purely legal mortgages on the property of persons accountable to them; those of minors or interdicted persons, against the guardians; those of married women against their husbands, shall be recorded upon the deposit of two schedules drawn up in accordance with the provisions of the second paragraph of article 2148, under penalty of forced refusal."

CHAPTER IX.

OF THE MANNER OF SATISFYING UNRECORDED MORTGAGES OVER THE PROPERTY OF HUSBANDS AND GUARDIANS.

ART. 2193. "Purchasers of real estate belonging to husbands or guardians, when no inscription has been made on such real estate by reason of the management of a guardian, or of dowry, or of a wife's right to take back, or of any of her marriage settlements, may clear off the mortgages existing on the property acquired by them. Civ. C. 2121 et seq., 2135 et seq., 2153, 2181, 2194 et seq."

ART. 2194. "For that purpose they shall deposit in the clerk's office of the Civil Tribunal of the place where the property is situated, a copy duly compared, of the deed transferring the property, and they shall certify that the deposit has been effected by serving a notice both upon the wife or the assistant guardian and the King's Attorney (Republic's Attorney) of the Court. An extract of this deed containing its date, the names, first names, occupation and domicile of the contracting parties, a description of the nature and location of the property, the price and other expenses of the sale, shall be and shall remain posted for two months in the hall of the Court; during such time the wives, husbands, guardians, assistant-guardians, minors, interdicted persons, relatives or friends, and the King's Attorney (Republic's Attorney)

are allowed to require and cause the inscription to be made of the property conveyed at the office of the registrar of mortgages, if necessary, which shall have the same effect as if it has been made upon the day of the marriage contract, or the day the guardian assumed his duties; without prejudice to the proceedings which may be brought against the husbands and guardians, as is above stated, on account of the mortgages granted by them in favor of third parties without having declared to the latter that the real estate was already mortgaged, by reason of a marriage or guardianship. Civ. C. 2059, 2135 et seq., 2145 et seq., 2183 et seq., 2195."

ART. 2195. "If, during the period of the two months of the publication of the contract, no inscription has been made on behalf of a wife, a minor, or an interdicted person, against the real estate sold, it passes to the purchaser without any lien by reason of a dowry, or of the wife's right to a return, or of her marriage settlements, or of the management of a guardian; but subject to the remedy against the husband or the guardian, if there is occasion therefor.

If an inscription has been made on behalf of such wife, minor, or interdicted person, and if there are prior creditors who absorb the whole price or a part of it, the purchaser shall be released as to the price or the part of the price paid by him to creditors holding an effectual rank, and the inscriptions made on behalf of wives, minors or interdicted persons shall be cancelled of record, either wholly or to the extent of the amount paid.

If the inscriptions on behalf of wives, minors or interdicted persons had been made previously, the purchaser cannot pay any part of the price to the detriment of such inscriptions, which shall always bear the date of the marriage contract or of the beginning of the guardian's management, as has been hereabove stated; and in such case the inscriptions of other creditors, who do not rank effectually, shall be cancelled. Civ. C. 2134 et seq., 2146 et seq., 2157, 2194."

TITLE NINETEENTH.

OF COMPULSORY EJECTMENT AND OF RANK AMONG CREDITORS.

CHAPTER I.

OF COMPULSORY EJECTMENTS.

ART. 2208. "Proceedings to forcibly dispossess of real estate forming part of a community must be brought only against the husband who is the debtor, even if the wife is liable for the debt.

Proceedings to forcibly dispossess of real estate of the wife which has not become part of the community must be brought against the husband and wife, and the latter may be authorized by the Court to proceed, if the husband refuses to carry on the suit with her, or, if he is a minor.

In case of minority of the husband and wife, or of minority of the wife alone, if her husband, being of full age, refuses to carry on the proceedings with her, a guardian is appointed to the wife by the Court, and the proceedings are carried on against him. Civ. C. 217 et seq., 450, 476, 480, 482, 1421 et seq."

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TITLE TWENTIETH.

OF PRESCRIPTION.

CHAPTER IV.

OF THE CAUSES INTERRUPTING OR SUSPENDING PRESCRIPTION.

SECTION II.

OF THE CAUSES WHICH SUSPEND THE COURSE OF PRESCRIPTION.

Art. 2253. "It never runs between husband and wife. Civ. C. 1096, 1099, 1595, 2254 et seq."

ART. 2254. "Prescription runs against a married woman as to the property of which the husband has the management, subject to her remedy against her husband, even if there is no separation of property resulting from a married contract or from a judgment. Civ. C. 1421, 1428, 1443 et seq., 1531, 1536, 1549, 1563, 2253, 2255 et seq."

ART. 2256. "Prescription is likewise suspended during marriage:

1. In case an action on the part of the wife can only be brought after she had made use of the option to accept or renounce the community.

2. In case the husband, having sold property belonging to the wife individually, without her consent, is responsible for the sale, and in all other cases in which the action of the wife might make the husband responsible. Civ. C. 1428, 1453 et seq., 1531, 1535, 1538, 1554 et seq., 1561 et seq., 1576, 1599, 1626 et seq., 2257."

SECTION IV.

OF CERTAIN SPECIAL PRESCRIPTIONS.

ART. 2275. "Nevertheless, the persons against whom these prescriptions are set up, can have an oath deferred to those who set them up, for the purpose of ascertaining whether the thing has really been paid for.

The oath can be deferred to widows and heirs, or to the guardians of the latter, if they are minors, in order to make them declare if they do not know whether the thing is due. Civ. C. 724, 1358 et seq., 2271 et seq., 2278."

THE
ARGENTINE CIVIL CODE
1917
TOGETHER WITH
CONSTITUTION AND LAW OF CIVIL REGISTRY

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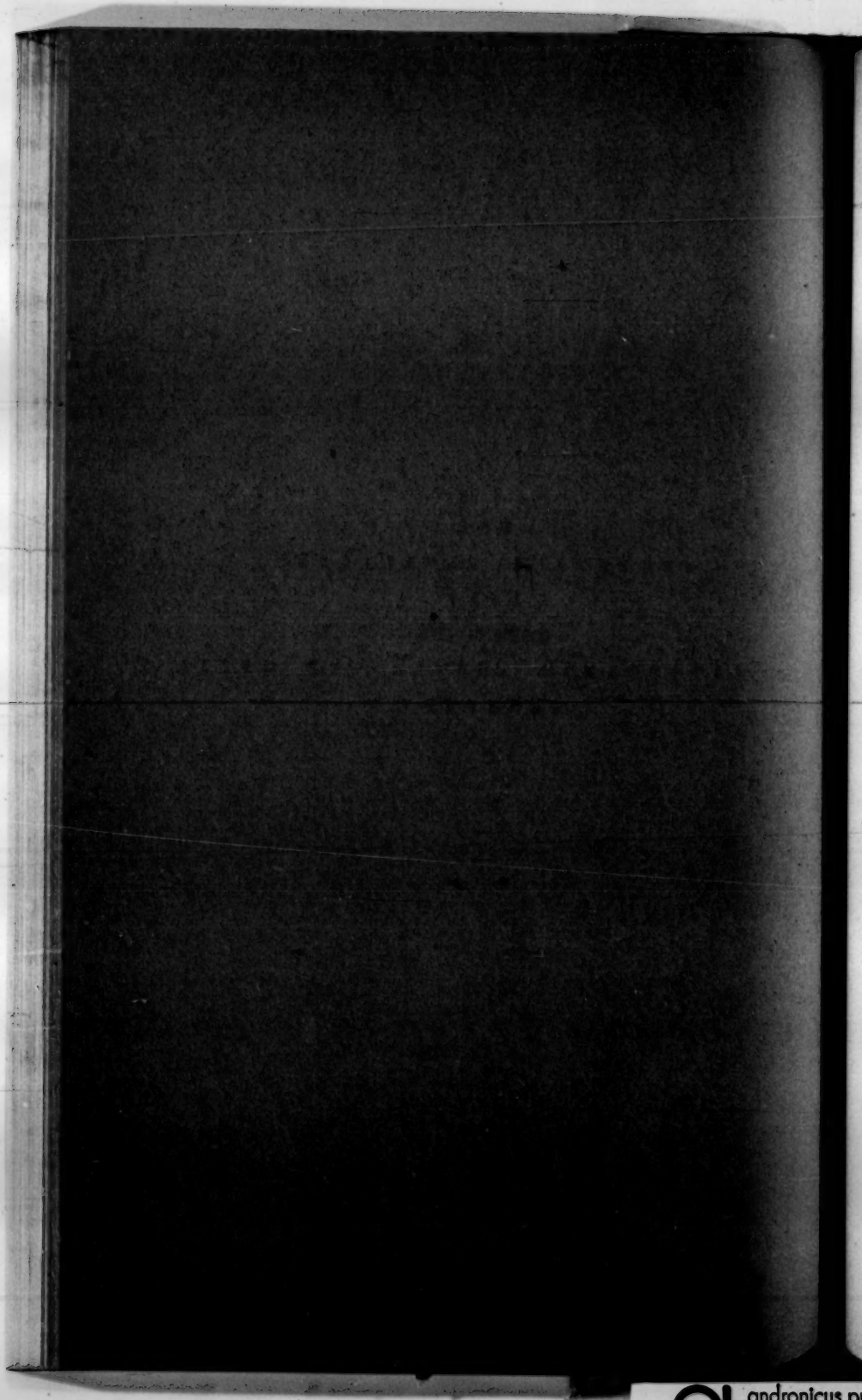

CONSTITUTION OF THE ARGENTINE NATION.

PART I.

FIRST AND LAST CHAPTER.

DECLARATIONS, RIGHTS, AND GUARANTIES.

Article 1. "The Argentine Nation adopts for its Government the Federal Republican Representative form, as established by this Constitution."

2. "The Federal Government supports the Roman Catholic Apostolic Faith."

3. "The authorities who exercise the Federal Government shall reside in the city which may, by a special act of Congress, be declared the capital of the Republic upon the cession by one or more of the provincial Legislatures of the territory to be federalized."

THE CIVIL CODE OF THE ARGENTINE REPUBLIC.

TITLE I. OF THE LAWS.

Article 1. "The laws are binding upon all the inhabitants of the territory of the Republic, whether citizens or foreigners, domiciled or transient."

2. "Laws are not binding until after their publication, and from the date which may be determined therein. If it fix no time, a law published in the capital of the Republic or in the capital of a Province is binding from the day following that of its publication; in the outlying departments, eight days after its publication in the capital city of the State or the capital of the Province."

3. "Laws provide for the future; they have no retroactive effect nor can they alter acquired rights."

BOOK I.

OF PERSONS.

SECTION I. OF PERSONS IN GENERAL.

TITLE I. OF JURISTIC PERSONS.

30. "All beings able to acquire rights or to contract obligations are persons."

31. "Persons are of ideal existence or of visible existence. They may acquire the rights, or contract the obligations which this Code regulates, in the cases, in the manner, and in the form determined therein. Their capacity or incapacity arises out of this power which the laws grant or deny them in the specific cases."

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32. "All beings capable of acquiring rights, or contracting obligations, which are not persons of visible existence, are persons of ideal existence, or juristic persons."

TITLE II. OF PERSONS OF VISIBLE EXISTENCE.

51. "All beings who sho signs characteristic of human beings, without any distinction as to qualities or accidents, are persons of visible existence."

52. "Persons of visible existence are capable of acquiring rights or contracting obligations. All persons are so considered capable who are not expressly declared incapable in this Code."

53. "They are permitted to perform all acts and exercise all rights not expressly forbidden to them, independently of their condition as citizens and of their political capacity."

54. "The following are absolutely incapable:

1. Unborn children."

2. "Impuberal minors."

3. "Insane persons."

4. "Deaf-mutes who are unable to make themselves understood in writing."

5. "Absentees, so declared in judicial proceedings."

55. "The following are incapable as to certain acts or the manner of exercising them:

1. Adult Minors."

2. "Married women."

56. "In capacitated persons may, nevertheless, acquire rights or contract obligations through the necessary representatives which the law gives them."

57. "The following are the representatives of incapacitated persons:

1. Of unborn children; their parents, and in the event of the absence or incapacity of the latter, the curators who may be appointed to them."

2. "Of impuberal or adult minors; their tutors."

3. "Of insane persons, deaf-mutes, or absentees; their parents, and in the event of the absence or incapacity of the latter, the curators who may be named to them."

4. "Of married women; their husbands."

59. "In addition to the necessary representatives, incapacitated persons are represented promiscuously by the Department of Minors (Ministerio de Menores), which shall be a legitimate and essential party to every judicial or extra-judicial proceeding, whether of voluntary or contentious jurisdiction, in which the incapacitated persons are plaintiffs or defendants, or in which their persons or property are involved, under the penalty of the nullity of all acts and of all proceedings which are had without its participation."

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60. "Married women are excepted from the representations set forth in the foregoing article."

TITLE III. OF UNBORN PERSONS.

63. "Unborn persons are those who, not having been born, are conceived in the maternal womb."

64. "Unborn persons shall be represented by other persons whenever it becomes necessary for them to acquire property by donation or inheritance."

65. "The pregnancy of the mother shall be considered as admitted, upon the mere statement of herself or of her husband, or of other interested parties."

68. "Nor can a woman who is pregnant or so reputed institute proceedings to question the pregnancy declared by the husband or by interested parties, and her denial thereof does not bar the representation prescribed in this Code."

TITLE IV. OF THE EXISTENCE OF PERSONS BEFORE BIRTH.

70. "The existence of persons begins from the moment of conception in the maternal womb; and before their birth they may acquire certain rights, as if they were already born. These rights shall be irrevocably acquired if the unborn children are born with life, even though it be but for a few instants after their separation from their mother."

TITLE VI. OF DOMICILE

90. "The legal domicile is the place where the law presumes, without evidence to the contrary being admissible, that a person resides permanently for the exercise of his rights and the fulfillment of his obligations, even though not actually there present, thus."

8. "Persons of full age, who serve, or work in, or who are members of the household of another, have the domicile of the person they serve, or for whom they work, provided they reside in the same house, or in accessory rooms, with the exception of a married woman, who as a laborer or domestic, lives in a house not her husband's."

9. "A married woman has the domicile of her husband, even though she be elsewhere with his permission. A woman separated from her husband by a competent authority, retains the domicile of the husband, unless she has acquired another. A widow retains the domicile which her husband had, as long as she does not establish herself elsewhere."

TITLE IX. OF MINORS.

126. "Minors are persons of either sex who have not attained the age of twenty-two years."

127. "Impuberal minors are those who have not attained the age of fourteen years, and adult minors are those between the latter age and twenty-two years of age."

128. "The incapacity of minors ceases upon their attaining their majority, the day they attain twenty-two years of age, and upon their emancipation before attaining majority."

131. "The emancipation of minors, irrespective of sex, takes place only in the event of their marriage, also without the observance of any formality, whatever be the age at which they married, provided the marriage was celebrated with the necessary authorization, in accordance with the provisions of this Code."

132. "If the marriage is annulled, the emancipation shall be void from the date the judgment of annulment acquires the force of res judicata."

133. "Emancipation is irrevocable, and produces the effect of capacitating the married persons for all acts of civil life, even though the marriage is dissolved during their minority by the death of one of them, whether they have children or not."

134. "Minors emancipated by marriage cannot, under the penalty of nullity, approve the accounts of their tutors and discharge them, nor make donations of property of any kind whatsoever, by acts inter vivos, even with the authority of the Defender of Minors."

TITLE X. OF INSANE PERSONS.

141. "Persons of either sex who are in an habitual state of mania, dementia or imbecility, even though they have lucid intervals, or their mania be partial, are declared insane persons."

TITLE XI. OF DEAF-MUTES.

SECTION II. OF PERSONAL RIGHTS IN FAMILY

RELATIONS.

TITLE I. OF MARRIAGE.

CHAPTER I.

RULES GOVERNING MARRIAGE.

159. "The validity of a marriage, in the absence of any of the impediments established in subdivisions 1, 2, 3, 5 and 6 of Art. 166 (9), is governed in the Republic by the law of the place where it was celebrated, even though the contracting parties left their domicile in order not to subject themselves to the forms and laws there in force."

160. "The personal rights and obligations of the spouses are governed by the laws of the Republic as long as they remain therein, whatever by the country in which they contracted marriage."

161. "The nuptial contract governs the property of the marriage, whatever be the laws of the country in which the marriage was celebrated."

162. "In the absence of nuptial agreements, or a change in the matrimonial domicile, the law of the place where the marriage was celebrated governs the movable property of the spouses, no matter where it is or where it was acquired."

"If a change of domicile has taken place, the property acquired by the spouses before such change is governed by the laws

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of the first domicile. The property acquired after the change is governed by the laws of the new domicile."

163. "Real property is governed by the law of the place where it is situated."

164. "The dissolution in a foreign country, of a marriage celebrated in the Argentine Republic, even though it conforms to the laws of such country, if it does not conform to the provisions of this Code, shall not enable either of the spouses to remarry."

CHAPTER II.

OF BETROTHMENTS.

165. "The law does not recognize betrothments. No court shall admit a complaint on the subject, nor for the recovery of damages caused thereby."

CHAPTER III.

OF IMPEDIMENTS.

166. "The following are impediments to marriage:"

1. "Consanguinity between ascendants and descendants without limitation, whether legitimate or illigitimate."

2. "Consanguinity between brothers and sisters or half brothers and sisters, whether legitimate or illegitimate."

3. "Affinity in a direct line in all degrees."

4. "The fact of the woman not having attained the age of twelve and the man the age of fourteen years."

5. "A former marriage, as long as it remains in force."

6. "The fact of having been a voluntary principal or accomplice in the homicide of one of the spouses."

7. "Insanity."

"In the cases of subdivisions 1 and 2, the proof of the relationship is subject to the provisions of this Code."

167. "A woman over twelve years of age, and a man over fourteen, but still minors, and deaf-mutes unable to make themselves understood in writing, cannot intermarry nor marry other persons, without the consent of their legitimate father or of their natural father if he has acknowledge them, or without that of the mother in default of the father, or without that of the tutor or curator, in default of both, or without that of the judge, in default of the latter."

168. "The civil judge shall decide the causes of refusal to give consent, in chambers and merely as a matter of inquiry."

169. "A tutor and his legitimate descendants under his power cannot contract marriage with the minor, whether male or female, of which he was or is the tutor, until after the termination of his tutorship and the approval of the accounts of his administration.

Should they do so, the tutor shall forfeit the allowance to which he would have been entitled from the income of the minor, without prejudice to his penal liability."

170. "If minors marry without the necessary authorization, they shall be denied the possession and management of their property until they attain their majority; there are no means whatever of supplying the absence of authorization."

CHAPTER IV.

OF CONSENT.

171. "The consent of the contracting parties, expressed in the presence of the public official in charge of the civil registry, is essential to the existency of marriage."

172. "Consent may be expressed through an attorney in fact holding a special power of attorney specifically designating the person with whom his principal is to contract marriage."

173. "Violence, dolus, or error as to the identity of the physical individual or of the civil person vitiates consent."

CHAPTER V.

OF THE PROCEEDINGS PRELIMINARY TO THE CELEBRATION OF MARRIAGE.

174. "Persons desiring to contract marriage shall appear before the public official in charge of the civil registry, in the domicile of either of them, and shall verbally declare their intention, which shall be embodied in an act signed by the public official, by the future spouses and two witnesses; if the future spouses do not know how or are unable to sign, another person shall sign for them at their request."

175. "The act shall state:

1. The names and surnames of the persons desiring to marry."

2. "Their age."

3. "Their nationality, their domicile, and the place of their birth."

4. "Their occupation."

5. "The names and surnames of their parents, their nationality, occupation and domicile."

6. "Whether they have been previously married or not, and in an affirmative case, the name and surname of their former spouse, the place of their marriage and the cause of the dissolution thereof."

176. "The future spouses must present on the same occasion:

1. "A copy, duly authenticated, of the final decree annulling the marriage of either or of both of the future spouses, as the case may be."

2. "An authentic declaration of the persons whose consent is required by the law, if they do not express their consent verbally at said act, or the suppletory authority of the judge, when proper. The parents, tutors or curators who express their consent in the presence of the public official, shall sign the act referred to in Art. 174; if they do not know how or are unable to sign, one of the witnesses shall sign for them at their request."

3. "Two witnesses who, by reason of their acquaintance with the parties, shall testify to their identity and that they believe them capable of contracting marriage."

CHAPTER VI.

OF OPPOSITION.

177. "The only grounds which can be set up in opposition are the impediments established in this Code."

"Any opposition which is not based on the existence of one or more of these impediments, shall be dismissed without further proceedings."

178. "The right to oppose the celebration of a marriage on account of the impediments set forth in Art. 166 is vested:

1. In the spouse of the person desiring to contract marriage."

2. "In the relatives of either of the future spouses, within the fourth degree of consanguinity or affinity."

3. "In the tutors or curators."

4. "In the representative of the government, who must make objection whenever he has knowledge of such impediments."

179. "If a widow desires to contract marriage in violation of the provisions of Art. 250 , the relatives of the husband in successible degree shall have the right to make opposition."

180. "Parents, tutors and curators may in addition make opposition on the ground of their consent not having been given."

181. "Parents, tutors and curators must state the ground for their opposition; but parents are exempt from this obligation when a male child under eighteen years of age, or a female child under fifteen years of age is involved, except when they are enjoying the usufruct of their property."

"Opposition may be founded only:

1. On the existence of one or more of the impediments mentioned in Art. 166."

2. "On a contagious disease of the person desirous of marrying the minor."

3. "On the loose or immoral conduct of such person."

4. "On the fact of such person having been convicted of robbery, theft, swindling, or any other crime to which is affixed a penalty of imprisonment for more than one year."

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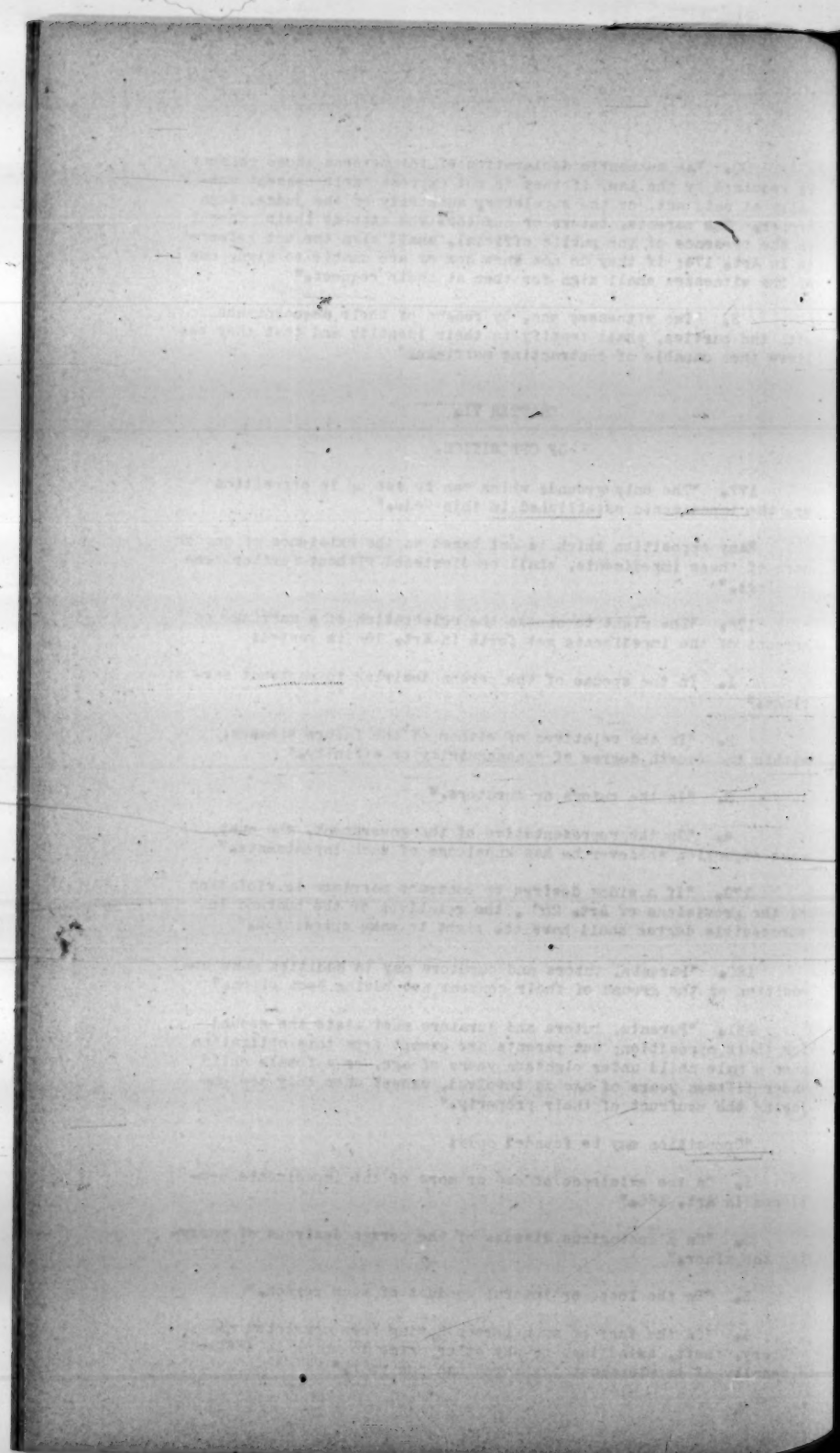

5. "Lack of means of livelihood or the ability to earn it."

182. "The opposition must be made before the public official acting in the proceedings preliminary to the celebration of the marriage."

183. "The opposition may be made at any time after the initiation of proceedings preliminary to the marriage and before its celebration."

184. "The opposition shall be made verbally or in writing, setting forth:

1. The name, surname, age, civil status, occupation and domicile of the party making the opposition."

2. "His relationship to either of the future spouses."

3. "The impediment on which he bases his opposition."

4. "The grounds which lead him to believe that the impediment exists."

5. "Whether he has documents or not which prove the existence of the impediment and a reference thereto."

"If the opposition is made verbally, the public official shall draw to a detailed act which he shall subscribe, together with the opposing party and two witnesses, if the latter should not know how or be unable to sign. If the opposition is made in writing, it shall be transcribed in the book of acts with the same formalities."

185. "If the opposing party has documents, he must present them at the same act. If he has none, he shall state where they are to be found, and shall describe them, if he is acquainted therewith."

186. "The opposition having been duly formalized, the future spouses shall be informed thereof by the public official upon whom it devolves to celebrate the marriage."

187. "If the opposition is not based on any legal impediment, the public official to whom it is made shall dismiss it of his own motion, and make a record thereof."

188. "If the future spouses do not admit the existence of the impediment, they shall so state before the public official within three days after service of the notice; said official shall draw up an act and transmit to the civil judge an authenticated copy of all the proceedings had, together with the documents presented, and suspend the celebration of the marriage."

189. "The civil courts shall hear any opposition that may be offered and determine it summarily with notice to the representative of the government and shall forward an authenticated copy of the decision to the public official."

190. "The public official shall not proceed to celebrate the marriage until the decision overruling the opposition has acquired the force of res judicata."

"If the decision declares the existence of the impediment on which the opposition is based, the marriage cannot be celebrated; in either case, the public official shall enter in the margin opposite the record of the opposition, the adjudging portion of the decision."

191. "If the opposition is dismissed, the opposing party, if not an ascendant or the representative of the government, shall pay the future spouses an indemnity in an amount to be fixed by the courts taking cognizance thereof, in their discretion."

192. "Any person may denounce the existence of any of the impediments set forth in Ar. 166, incurring the liability which may lie if the denunciation is malicious."

193. "The denunciation having been formally filed, the public official shall forward it to the civil judge, who shall refer it to the representative of the government; the latter shall, within three days, either file his objection or state that he considers the denunciation to be unfounded."

CHAPTER VII.

OF THE CELEBRATION OF THE MARRIAGE.

194. "The marriage must be celebrated before the public official in charge of the civil registry, in his office, publicly, the future spouses or their attorneys in fact in the case provided for in Art. 172, appearing personally, in the presence of two witnesses and with the formalities prescribed by this law."

"If either of the future spouses should be unable to go to the office, the marriage may be celebrated at his or her residence."

195. "If the marriage is celebrated in the office, the presence of two witnesses shall be necessary, and if celebrated at the residence of either of the spouses, four witnesses shall be required."

196. "The public official shall read to the future spouses at the act of the celebration of the marriage, Arts. 207, 208, and 210 of this law, shall receive from each of them personally, one after the other, a declaration that they desire respectively to take each other for husband and wife, and shall pronounce them in the name of the law to be united in marriage."

"The public official cannot object to the spouses, after having expressed their consent in his presence, having their union blessed at the same act by a minister of their religion."

197. "If the preliminary proceedings show, in the judgment of the public official in charge of the civil registry, that the future spouses are able to marry, the celebration of the marriage shall be proceeded with at once, in order that everything may be embodied in a single act, which shall set forth in addition:

1. The declaration of the contracting parties that they take each other for man and wife, and that made by the public official to the effect that they are united in the name of the law."

2. "The acknowledgment which the contracting parties may make of their natural children, if they have any, which they legitimate by their marriage."

3. "The name, surname, age, civil status, occupation and domicile of the witnesses to the act, if they be different from those who testify to the capacity of the contracting parties."

4. "A reference to the power of attorney, with a statement of the date, place, and notary public or public official before whom it was executed, if the marriage is celebrated by proxy, which qualifying instrument shall be filed in the office."

198. "If the preliminary proceedings do not result in proof of the capacity of the contracting parties to marry, or if opposition or a denunciation is filed, the public official shall suspend the celebration of the marriage until their capacity is established, the opposition overruled or the denunciation dismissed, the facts being embodied in an act of which he shall give a copy to the persons interested, if they so request, in order that they may have recourse to the civil judge."

199. "In the case of the preceding article, the act of the celebration of the marriage shall be made separately from that of the preliminary proceedings and shall set forth:

1. The date on which the act takes place."

2. "The name and surname, age, occupation, domicile and birthplace of the contracting parties."

3. "The name and surname, occupation, domicile and nationality of their respective parents, if known."

4. "The name and surname of the predeceased spouse, when one of the spouses has been married before."

5. "The consent of the parents, tutors or curators, or the suppletory consent of the judge in the cases in which it is required."

6. "A statement as to whether there was any opposition or not, and the fact that it was overruled."

7. "The declaration of the contracting parties that they take each other for husband and wife, and the declaration by the public official that they are united in the name of the law."

8. "The acknowledgment by the contracting parties of their natural children, if they have any, whom they legitimate by their marriage."

9. "The name, surname, age, civil status, occupation and domicile of the witnesses."

10. "A mention of the power of attorney, with a statement of its date, and of the place and notary public or public official before whom it was executed, if the marriage is celebrated through an attorney-in-fact, said power of attorney being filed in the office."

200. "The act of the marriage shall be drawn up and signed immediately by all the persons taking part therein, or by others at the request of those who are unable or do not know how to sign."

201. "The declaration of the contracting parties that they respectively take each other for husband and wife, cannot be made subject to any term or condition whatsoever."

202. "The chief of the office of the civil registry shall deliver to the spouses an authenticated copy of the act of the marriage."

203. "The public official shall proceed to celebrate the marriage waiving all or some of the formalities which should precede its celebration, whenever it is established by a physician's certificate, and where there is no physician, by the testimony of two residents, that either of the future spouses is in danger of dying, and that they had stated that they desire to acknowledge natural children, which fact shall be embodied in the act. If there is any danger in delay, the marriage in articulo mortis may be celebrated before any judicial authority, who shall draw up an act of the celebration setting forth the circumstances mentioned in subdivisions 1, 2, 3, 4, 5, 7, 8, 9, and 10 of Art. 199, and shall forward it to the public official in charge of the civil registry for protocolization."

204. "In the cases of the preceding article, the act of the celebration of the marriage shall be published for eight days by means of notices posted at the doors of the office."

205. "All the proceedings connected with the celebration of the marriage with exception of the provisions of Arts. 189 and 193, with regard to the hearing upon and determination of the opposition, shall be had before the public official and shall be recorded in bound and paged books, without prejudice to the other formalities which the laws of the civil registry prescribe."

206. "The copy of the act referred to in Art. 202 shall be issued on unstamped paper and this copy as well as all other documents which are not required to be drawn on stamped paper, shall be issued free of charge and no official whatsoever is permitted to collect any fees therefor."

CHAPTER VIII.

RIGHTS AND OBLIGATIONS OF THE SPOUSES.

207. "The spouses are obliged to be faithful to each other, and the infidelity of one of them shall not authorize the other to act in a similar manner. A spouse who violates this obligation may be sued by the other for divorce, without prejudice to the action which may lie under the Penal Code."

208. "The husband is obliged to live in the same house with his wife, to furnish her all the means which she needs and to exercise all acts and actions pertaining to her, defraying the necessary court costs, even in the event of her being criminally prosecuted. If the husband fails to perform these obligations, the wife has the right to bring an action to compel him to furnish her the necessary support and defray the necessary costs of judicial proceedings."

209. "In the absence of a nuptial contract, the husband is the legal administrator of all the property of the marriage including that of the wife; both of that which she brought to the marriage and of that which she may acquire subsequently in her own name."

210. "The wife is obliged to live with her husband wherever he takes up his residence. If she fail to comply with this obligation, the husband may have recourse to the necessary judicial measures and shall have the right to refuse her support. The courts may, after a hearing in the matter, relieve the wife of this obligation if the fulfillment thereof might endanger her life."

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211. "A wife cannot appear in court, either in person or through an attorney, without special permission from her husband, given in writing, excepting the cases in which this Code presumes authorization by the husband or does not require it, or requires only general authorization, or only judicial authorization."

212. "Nor can the wife, without leave or a power of attorney from the husband, enter into any contract whatsoever, or withdraw from a previous contract, or acquire property or rights of action under an onerous or lucrative title, or alienate of bind her property, or contract any obligation whatsoever, or remit an obligation in her favor."

213. "It is presumed that the wife has the authorization of her husband, if she publicly engages in some profession or industry, such as the directress of a college, a school teacher, actress, etc., and in such cases it is understood that she is authorized by the husband to execute all acts or contracts connected with her profession or occupation, if he has made no objection and had it publicly advertised, or judicially served on the person about to enter into a contract with her."

"Authorization is also presumed to have been granted by the husband in the purchases for cash which the wife makes, and in the purchases on credit of objects for ordinary family consumption."

214. "Authorization by the husband is not necessary in litigation between him and his wife, nor to defend herself against criminal charges, nor to make her testament or revoke one which she may have made, nor to manage the property she reserved to herself under the marriage contract."

215. "Only the wife, the husband, and the heirs of either, have the right to set up the nullity of the acts and obligations of the wife, on account of the want of permission from the husband."

216. "The wife shall require authorization by the judge of the domicile only, if the husband is insane or his whereabouts unknown, in the cases of Art. 135 of this Code, as to the acts forbidden to married minors."

217. "The courts may, after an inquiry, supply the authorization of the husband, if the latter is absent or prevented from giving it, and in special cases provided for in this Code."

218. "The husband may revoke at will the authorization he has given his wife; but the revocation shall not have any retroactive effect to the prejudice of a third person."

219. "The husband may ratify generally or particularly the acts of his wife performed without his authorization. The ratification may be implied by acts of the husband unequivocally expressing his acquiescence."

220. "The acts and contracts of the wife which have not been authorized by the husband, or which have been authorized by the judge against the will of the husband, bind only her own property, if the rescission thereof be not demanded in the first case; but they do not bind the conjugal partnership property nor that of the husband beyond the amount of the profit accruing to the conjugal partnership or the husband by the act."

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CHAPTER IX.

OF DIVORCE.

221. "The divorce authorized by this Code consists only in the personal separation of the spouses, without dissolving the marriage tie."

222. "The right to demand a divorce of a judge of competent jurisdiction cannot be waived in matrimonial agreements."

223. "There is no divorce by mutual consent of the parties. They shall not be considered divorced without the decree of a judge of competent jurisdiction."

224. "The following are causes for divorce:

1. "Adultery on the part of the wife or of the husband."

2. "An attempt by one of the spouses upon the life of the other, whether as principal or accomplice."

3. "The provocation of one of the spouses to the other to commit adultery or other crimes."

4. "Cruel treatment (sevicia)."

5. "Grave injuries; in determining the gravity of the injury the court shall take into consideration the degree of culture, social position and other circumstances of fact which may be present."

6. "Bad treatment, even if not grave, when so frequent as to make conjugal life intolerable."

7. "Willful and malicious abandonment."

225. "An action for divorce having been instituted, or before the institution thereof in urgent cases, the judge may on the petition of a party decree the personal separation of the married couple and that the wife be placed in the care of a chaste family, within the limits of his jurisdiction; provide for the care of the children in accordance with the provisions of this Code and determine the allowance for support to be made the wife and the children who do not remain under the care of the father, as well as the necessary costs of the wife in the divorce proceedings."

226. "If either of the spouses is a minor, he or she cannot appear in court, either as plaintiff or defendant, without the assistance of a special curator, to be selected for this sole purpose by the party interested, or by the judge upon his or her failure to do so."

227. "Any kind of proof is admissible in these proceedings, with the exception of the confession or oath of the spouses."

228. "An action for divorce is extinguished and the effects of a divorce which has been decreed terminate, if the spouses become reconciled after the occurrence of the acts which served as a basis for the action or upon which the divorce was granted. The law presumes a reconciliation when the husband cohabits the wife, after having left the common dwelling. A reconciliation restores everything to the state existing prior to the institution of divorce proceedings.

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CHAPTER X.

EFFECTS OF DIVORCE.

229. "After their separation by a decree of divorce, each of the spouses may establish his or her domicile or residence wherever he or she may see fit, even though it be abroad; but if he or she has the custody of children, they cannot be taken out of the country without the permission of the judge of the domicile."

230. "If the wife is of full age, she may perform all acts of civil life."

"When either of the spouses is under age, he or she remains subject to the provisions of this Code relating to emancipated minors."

231. "If during the divorce proceedings, the conduct of the husband is such as to lead to the fear of fraudulent alienations, or the dissipation of the property of the marriage, the wife may apply to the judge of the cause to have an inventory thereof made and to have it placed in charge of another administrator, or that the husband give bond in the amount of the value of the property. After the decree of divorce, the spouses may demand the separation of the property of the conjugal partnership, in accordance with the provision contained in the title Of the Conjugal Partnership."

232. "An innocent spouse who did not give cause for the divorce, may revoke the donations or benefits which under the marriage contract he or she made or promised the other spouse, whether they were to become effective during his or her lifetime or after his or her death."

233. "The children under five years of age shall remain under the care of the wife. Those over this age shall be turned over to the spouse who, in the opinion of the judge, is better qualified to bring them up, and neither the husband nor the wife shall be permitted to set up a preferred right to their custody."

234. "If on account of a criminal charge brought by one of the spouses against the other, the latter should be sentenced to imprisonment (prision), confinement (reclusion), or banishment (destierro), none of the children of whatever age he may be, can accompany the spouse sentenced to one of these penalties, without the consent of the other spouse."

235. "Both the father and the mother remain subject to all of their charges and obligations in favor of their children, whichever be the spouse who gave ground for divorce."

236. "The husband who has given cause for the divorce must contribute to the support of the wife, if she does not have sufficient means of her own. The judge shall determine the amount and form, taking into consideration the circumstances of both."

237. "Either of the spouses who has given cause for the divorce is entitled to receive from the other if he or she have means, the amount necessary for his or her subsistence, if in absolute want."

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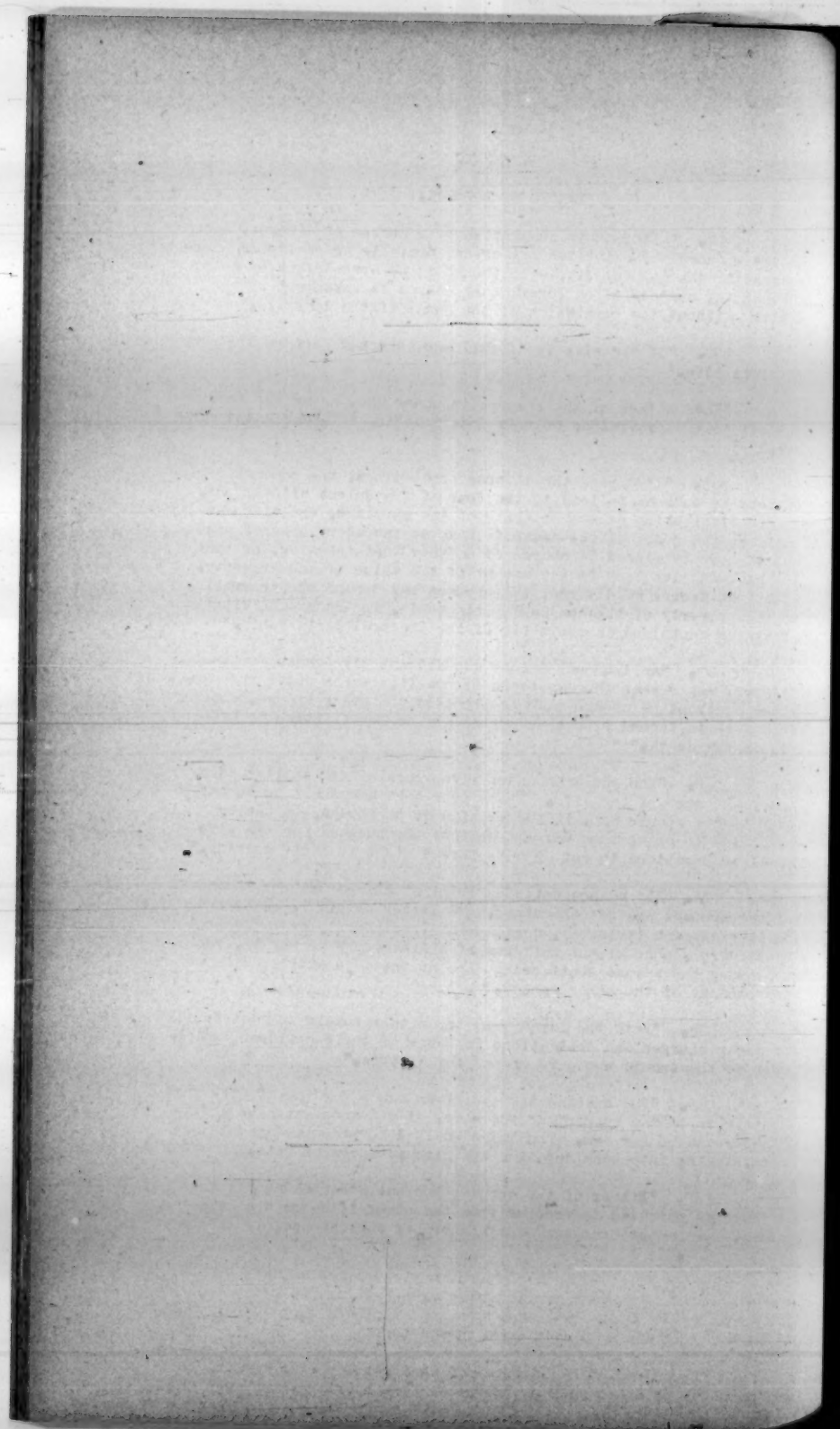


CHAPTER XI.

OF THE DISSOLUTION OF MARRIAGE.

238. "A valid marriage is dissolved only by the death of one of the spouses."

239. "A marriage which can be dissolved according to the laws of the country in which it was celebrated, is not dissolved in the Republic except in conformity with the preceding article."

240. "The presumptive death of a spouse who is absent or has disappeared does not authorize the other spouse to contract a new marriage."

"As long as the death of the spouse who is absent or had disappeared is not proved, the marriage is not considered as dissolved."

CHAPTER XII.

OF THE NULLITY OF MARRIAGE.

241. "A marriage in which any one of the impediments set forth in subdivisions, 1, 2, 3, 5, and 6 of Art. 166 is present, is null and void, and an action for its annulment may be brought by the spouse who was unaware of the existence of the impediment and by the persons who could have opposed the celebration of the marriage."

242. "A marriage is voidable:

1. "Whenever celebrated with the impediment established in subdivision 4 of Art. 166."

"The action for its annulment may be brought by the incapacitated spouse and by the persons who could have opposed the celebration of the marriage on his or her behalf."

"The action for annulment cannot be brought after the incapacitated spouse or spouses have attained legal age, nor, whatever their age, if the wife has conceived."

2. "Whenever the marriage is celebrated with the impediment established in subdivision 7 of Art. 166."

"The action for annulment may be brought by the persons who could have opposed the marriage."

"The incapacitated person himself or herself may bring the action for annulment of the marriage upon regaining his or her reason, if he or she did not continue the marital life, and the other spouse may do so if he or she was unaware of the incapacity at the time of the celebration of the marriage and did not continue marital life after knowing of the incapacity."

3. "Whenever the consent is vitiated on account of the presence of any one of the vices referred to in Art. 173."

"In such case the action for the annulment of the marriage may be brought only by the spouse who was the victim of the error, dolus or violence. This right of action is extinguished as to the husband if cohabitation has taken place during three days after the error or dolus was discovered, or the violence suppressed, and as to the wife during thirty days thereafter."

4. "In case of the absolute and manifest impotence of one of the spouses, prior to the celebration of the marriage."

"The right of action is vested exclusively in the other spouse."

243. "An action for the annulment of a marriage may be brought only during the lifetime of both spouses; either of the conjugal partners may, nevertheless, at any time exercise his or her right of action against a second marriage contracted by his or her spouse; if the nullity of the first marriage is set up, this plea shall be disposed of first."

CHAPTER XIII.

EFFECTS OF THE NULLITY OF MARRIAGE.

244. "If the void marriage was contracted in good faith by both spouses, it produces up to the date on which it is annulled, all the effects of a valid marriage, not only with relation to the persons and property of the spouses, but also in relation to the children."

"In such case, the annulment produces the following effects only:

1. As to the spouses, all the rights and obligations arising out of the marriage terminate, with the sole exception of the mutual obligation to furnish each other support in case of necessity."

2. "As to the property, the same effects as the death of one of the spouses; but before the death of one of them, the other shall have no right to the profits or benefits granted the surviving spouse by the marriage contract."

3. "As to the children conceived during the putative marriage, they shall be considered as legitimate, with the rights and obligations of the children of a valid marriage."

4. "As to the natural children conceived during the putative marriage between the father and the mother, and born thereafter, they shall be legitimated in the same cases in which a subsequent valid marriage produces this effect."

245. "If there was good faith on the part of one of the spouses only, the marriage to the date of the decree whereby the marriage is annulled, shall also produce the effects of a valid marriage, but only with respect to the spouse who acted in good faith and the children, and not with respect to the spouse who acted in bad faith."

"The annulment in the latter case shall produce the following effects:

1. The spouse who acted in bad faith cannot demand support of the spouse who acted in good faith."

2. "The spouse who acted in bad faith shall not be entitled to any of the benefits granted him or her by the marriage contract."

3. "The spouse who acted in bad faith shall not enjoy the rights of paternal power over the children, but shall be subject to the obligations thereof."

246. "If the void marriage was contracted in bad faith by both spouses, it does not produce any civil effect whatsoever."

"The annulment produces the following effects:

1. The union shall be considered as concubinage."

2. "With respect to the property, proceedings shall be as in the case of the dissolution of an actual partnership, the marriage contract becoming null and void."

3. "As to the children they shall be considered as illegitimate and in the class in which the impediment which avoids the marriage places them."

247. "Bad faith on the part of the spouses consists in the knowledge they had, or should have had, the day of the celebration of the marriage, of the impediment which avoids the marriage."

"There is no good faith on account of ignorance or error of law."

"Nor is there good faith on account of ignorance or an error of fact which is not excusable, unless the error was due to dolus."

248. "A spouse who acted in good faith may bring an action to recover damages against the spouse who acted in bad faith and against the third persons who were responsible for the error."

249. "In all the cases of the preceding articles, the nullity does not prejudice the rights acquired by third persons who have, in good faith, entered into contracts with the supposed spouses."

CHAPTER XIV.

OF SECOND OR SUBSEQUENT NUPTIALS.

250. "The wife cannot marry until ten months after the dissolution or annulment of the marriage, unless she has been left pregnant, in which case she may marry after parturition."

251. "A woman who marries in violation of the provisions of the preceding article, forfeits the legacies and any other liberality or benefit of which she may have been the object in the testament of her husband."

252. "A widow who contracts marriage while having minor children under her power, must petition the judge to appoint a tutor to them."

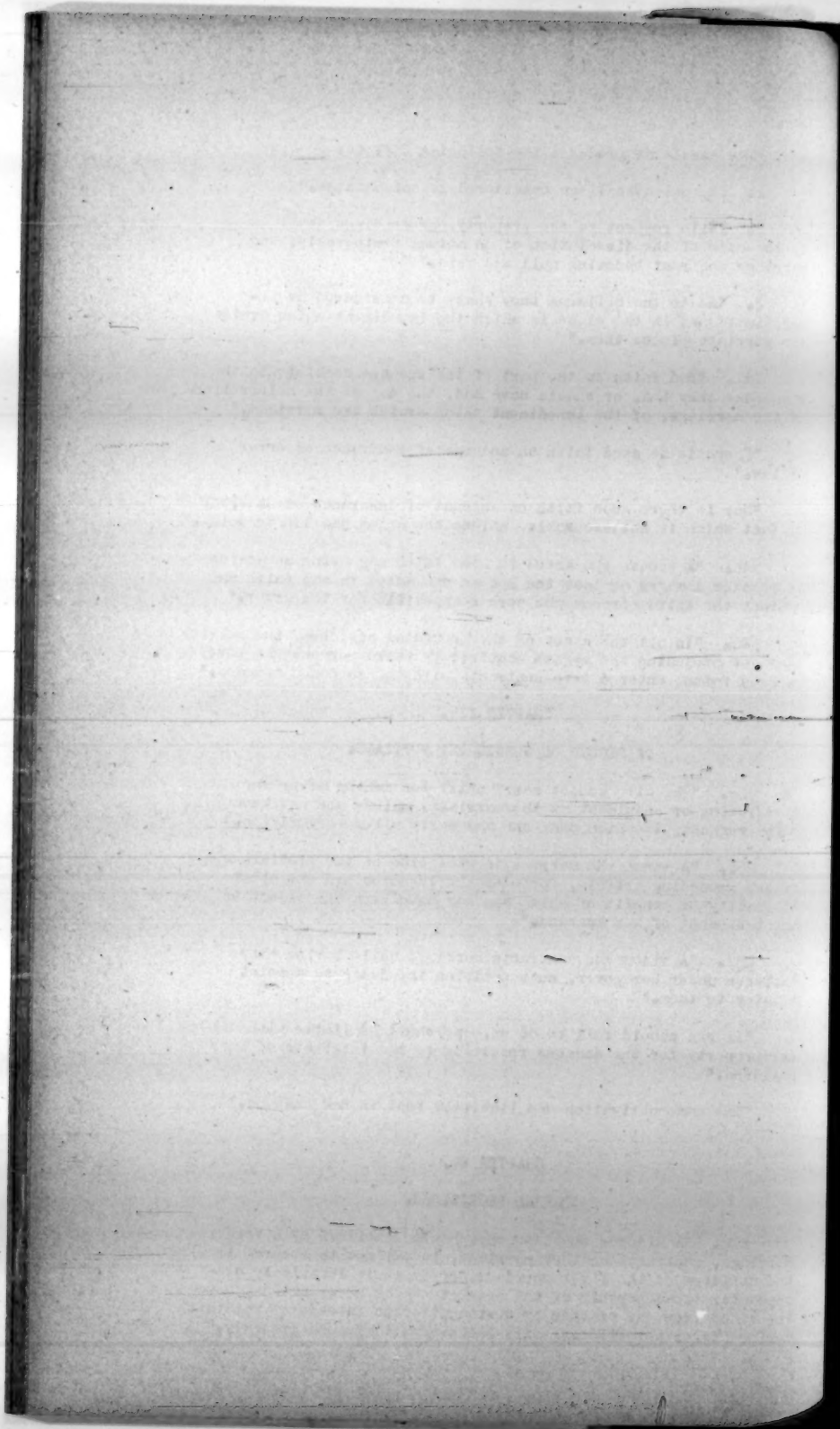
"If she should fail to do so, she shall be liable with all her property for the damages resulting to the interests of her children."

"The same obligation and liability rest on her husband."

CHAPTER XV.

GENERAL PROVISIONS.

272. "A widower or widow who, having children by a former marriage, contracts another marriage, is obliged to reserve to the children of the first marriage, or to their legitimate descendants, the ownership of the property which he or she may have inherited from any of them by testament or ab intestato, retaining during his or her lifetime only the usufruct of such property."



273. "The obligation to make the reservation terminates if at the time of the death of the father or mother who contracted a second marriage, there are no children nor any legitimate descendants of theirs, even though there be heirs of theirs living."

TITLE II. OF LEGITIMATE CHILDREN.

279. "The law presumes that the husband is the father of the children conceived by the wife during the marriage."

281. "A woman who, upon the death of her husband, believes herself to be pregnant, must notify the persons who, in the absence of a posthumous child, would be called to succeed the deceased. The persons interested may demand the adoption of all necessary measures to assure the fact that the parturition has actually taken place and that it occurred during the time within which the child must be considered legitimate."

282. "The mother is entitled to an allowance from the property which is to fall to the posthumous child in the amount necessary to meet the expenses connected with the parturition; and even though the child be not born alive, or even though it appear that the woman was not pregnant, she shall not be obliged to return the amount she may have received."

283. "A recently divorced woman who believes herself to be pregnant, must notify the judge or the husband within a period of thirty days after her separation; and the latter may also demand the adoption of the necessary measures to assure himself also that the birth has actually taken place, and that it occurred during the time within which the child must be considered legitimate."

288. "Any claim of the husband questioning the legitimacy of a child conceived by his wife during the marriage, must be brought within sixty days from the date he had knowledge of the birth."

289. "Any statement or admission on the part of the mother, affirming or denying the paternity of the husband, is not admissible as evidence."

294. "An action to establish filiation can be brought only against the father and mother jointly, and after their death, against their heirs."

295. "The filiation of which the child is in possession, even though it agree with the parochial records, may be contested either on the ground of a suppositious birth, the substitution of the real child, or that the woman is not the real mother of the child she passes as her own."

TITLE III. OF PATERNAL POWER.

300. "Children owe respect and obedience to their parents. Even though emancipated, they are obliged to care for them in their old age, or when in a state of insanity or illness, and to provide for their needs in all circumstances of life, in which their assistance is essential. Other legitimate ascendants are entitled to the same care and assistance."

304. "Parents are not obliged to furnish their sons the means with which to set up an establishment, nor to settle dowries on their daughters."

321. "The father and the mother enjoy the usufruct of all the property of their legitimate children under the paternal power, with the exception of the following:

1. Of the property which the children acquire for their civil, military, or ecclesiastical services."

2. "Of that acquired by their labor or industry, even when they live in the home of their parents."

3. "Of that acquired through fortuitous events, as by gaming, betting, etc."

TITLE III. OF PATERNAL POWER.

325. "The following are charges upon the legal usufruct of the father and of the mother:

1. "Those imposed on every usufructuary, except that of giving security."

2. "The cost of maintenance and education of the children, in proportion to the value of the usufruct."

3. "The payment of interest on sums falling due during the usufruct."

4. "The expenses of the illness and burial of the child, as well as those of the burial and funeral of the person who may have designated such child as his heir."

326. "The charges upon the legal usufruct are real charges. The enjoyment of the usufruct of the parents cannot be attached on account of acts or debts, without leaving to them what may be necessary to fulfill said charges."

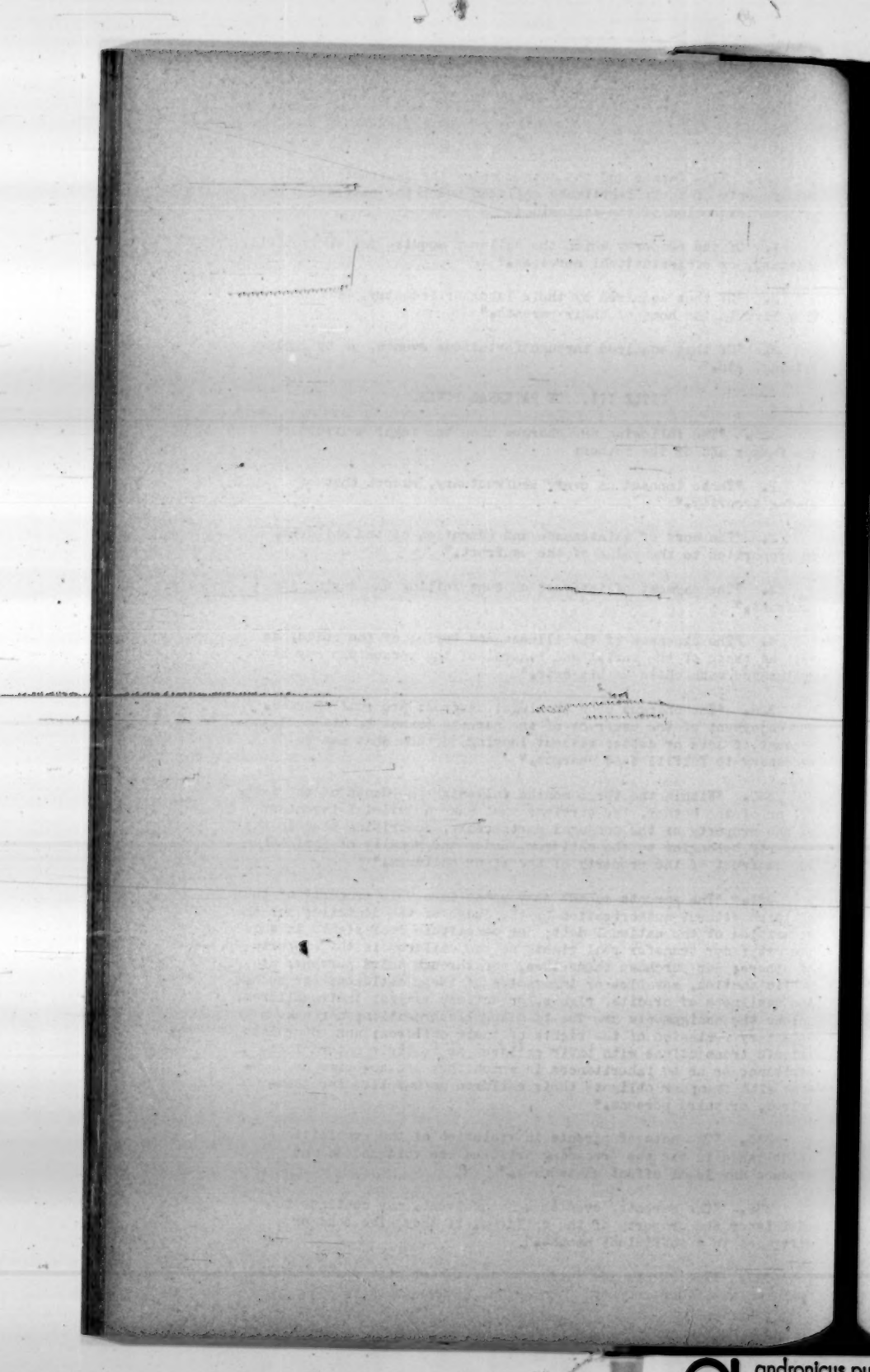
330. "Within the three months following the death of the father, or of the mother, the survivor must make a judicial inventory of the property of the conjugal partnership, describing therein the property belonging to the children, under the penalty of forfeiting the usufruct of the property of the minor children."

331. "The parents cannot convey the immovable property of the children without authorization by the judge of the domicile; nor the securities of the national debt; nor constitute real rights in said property; nor transfer real rights of the children in the property of others; nor purchase themselves, nor through third persons, at public auction, movables or immovables of their children; nor become the assignees of credits, rights, or actions against their children, unless the assignments are due to a legal subrogation; nor make a voluntary remission of the rights of their children; nor enter into private transactions with their children as to their maternal inheritance or as to inheritances in which they are co-heirs or legatees with them; nor obligate their children as sureties for themselves, or third persons."

333. "The acts of parents in violation of the prohibitions established in the two preceding articles are void and do not produce any legal effect whatsoever."

336. "The parents, even though insolvent, may continue to administer the property of the children, if they give bond or mortgages in a sufficient amount."

339. "The rights and duties of the father with regard to his children and their property pass to the widowed mother."



340. "Paternal power terminates:

1. "By the death of the parents or of the children."

2. "By the act of the parents taking vows in monastic institutions, or by the act of the children taking vows with the authorization of the parents."

3. "By the father or mother forfeiting it."

4. "By the children attaining their majority."

5. "By the emancipation of the children."

342. "A widowed mother who contracts a second marriage loses the paternal power."

343. "Judges may deprive parents of the paternal power, if they treat their children with excessive harshness, or if they give them immoral teachings, counsel or examples."

344. "The paternal power is suspended by the absence of the parents, when their whereabouts is unknown, and by reason of their mental incapacity."

353. "Children legitimated by a subsequent marriage, are for all legal purposes, the same as legitimate children, from the date of the celebration of the marriage, and the legitimation benefits their legitimate posterity. The term legitimate children, children of a legitimate marriage, includes legitimated children."

354. "A person who has the free administration of his property may accept or repudiate the legitimation. Persons under tutorship, and married women, cannot accept or repudiate it without the consent and approval of the tutor or of the husband."

TITLE V. OF NATURAL, ADULTERINE, INCESTUOUS AND SACRILEGIOUS CHILDREN.

CHAPTER I.

OF NATURAL CHILDREN.

359. "Natural children have a right of action to demand their acknowledgment by the father or the mother, or that the judge so declare them, when the parents deny that they are their children, and they shall be permitted to introduce at the inquiry into their paternity or maternity any evidence which is admissible to prove facts, which contribute to establish natural filiation. In the absence of the possession of any status, this right may be exercised by the children during the lifetime of their parents only."

360. "The inquiry into the maternity shall not be made when the purpose thereof is to attribute the child to a married woman."

364. "It is the duty of the father and of the mother to bring up their natural children, provide for their education, give them primary instruction, and defray the expenses of their apprenticeship in a profession or trade; but in cases in which the interest of the children demands it, judges may order that the education of the child be not entrusted to the father but to the mother, or to a third person, at the expense of the parents."

CHAPTER II.

OF ADULTERINE, INCESTUOUS AND SACRILEGIOUS CHILDREN.

372. "An adulterine child is one begotten of the union of two persons who at the moment of its conception could not contract marriage because one of them, or both, were married. Good faith on the part of the father or of the mother who were living in adultery without being aware thereof, the violence itself of which the mother may have been the victim, do not change the character of the filiation, and in either case the child remains adulterine."

373. "An incestuous child is one born of parents who were unable to marry owing to an impediment by reason of relationship which could not be the subject of dispensation, according to the Canons of the Catholic Church."

374. "A sacrilegious child is one begotten of a priest who has taken major orders, or of a person, whether father or mother, bound by a solemn vow of chastity in a religious order approved by the Catholic Church."

375. "Any inquiry whatsoever into adulterine, incestuous or sacrilegious paternity or maternity is forbidden."

376. "Adulterine, incestuous or sacrilegious children do not have under the law any father or mother nor any relatives whatsoever on the side of the father or of the mother. They have no right to make any judicial inquiry into their paternity or maternity."

378. "Adulterine, incestuous or sacrilegious children, have no right in the succession of the father or mother, and reciprocally, parents have no right in the succession of said children, nor paternal power, nor authority to appoint tutors to them."

TITLE VI. OF RELATIONSHIP, ITS DEGREES: AND OF THE RIGHTS AND OBLIGATIONS OF THE RELATIVES.

CHAPTER I.

OF RELATIONSHIP BY CONSANGUINITY.

391. "Degrees of relationship are proved by the parochial registries."

393. "Legitimate children are those conceived during the valid or putative marriage of their father or mother, and also those legitimated by the subsequent marriage of the father and mother after their conception."

CHAPTER II.

OF RELATIONAHIP OF AFFINITY.

397. "The proximity of relationship by affinity is computed by the number of degrees in which each of the spouses stands as to his or her relatives by consanguinity. In the direct line, whether descending or ascending, the son or daughter-in-law stands mutually as to the father or mother-in-law, in the same degree as a son or daughter does to his or her father or mother, and so on. In the

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collateral line, brothers and sisters-in-law stand in the same degree to each other as do brothers and sisters to each other. If there was a previous marriage, the step-father or step-mother stands in relation to the step-son or step-daughter mutually in the same degree in which a father or mother-in-law stands to a son or daughter-in-law."

CHAPTER IV.

RIGHTS AND OBLIGATIONS OF RELATIVES.

401. "Legitimate relatives by consanguinity owe each other support in the following order: the father, the mother, and the children. In the absence of a father and mother, or if they should be unable to furnish support, the grandfathers and grandmothers and other ascendants. Brothers and sisters to each other. The obligation to furnish support is reciprocal among relatives."

402. "Among legitimate relatives by affinity, the father-in-law and mother-in-law only owe each other support, and in the absence of the father and mother, or when they are unable to furnish support, the grandfather and grandmother and their grandsons and granddaughters."

403. "Among illegitimate relatives, the father and mother and their descendants owe each other support, and in the absence of the father and mother, or when they are unable to furnish support, the grandfather and grandmother and their grandsons and granddaughters."

TITLE VII. OF TUTORSHIP.

CHAPTER II.

OF TUTORSHIP GRANTED BY THE PARENTS.

417. "A father, whether of age or a minor, and a mother who has not contracted a second marriage, whichever dies last, may appoint by testament a tutor to their children who are under the paternal power. They may also make the appointment by public instrument to take effect after their death."

CHAPTER III.

OF LEGAL TUTORSHIP.

424. "Legal tutorship corresponds solely to the grandparents and brothers of the minor, in the following order:

1. To the paternal grandfather."

2. "To the maternal grandfather."

3. "To the paternal or maternal grandmothers, if they have remained widows."

4. "To the brothers, preference being given to the brothers on both sides, and among the latter, to the eldest."

"These persons shall be substituted in the tutorship in the order in which they are named."

TITLE VIII. OF PERSONS WHO CANNOT BE TUTORS.

432. "The following cannot be tutors:

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1. Minors."

2. "The blind, the dumb."

3. "Persons deprived of their reason."

4. "Persons who have no domicile in the Republic."

5. "Bankrupts, before they have paid their creditors."

6. "A person deprived of exercising the paternal power."

7. "Persons obliged to discharge, for a lengthy period, or for an indefinite time, an office or commission outside of the territory of the Republic."

8. "Women, excepting the grandmother, if she remains a widow."

9. "A person who has no occupation, profession or known means of livelihood, or whose bad conduct is a matter of common knowledge."

10. "A person sentenced to an infamous penalty."

11. "The debtors or creditors of the minor for considerable sums."

12. "Persons who are engaged in litigation with the minor as to his status, or his property, and the parents of such persons."

13. "A person who has misappropriated the property of some other minor, or has been removed from another tutorship."

14. "The relatives who have failed to apply for the appointment of a tutor to a minor who did not have one."

15. "Members of the army and navy in active service, including inspectors, physicians and surgeons."

16. "Persons who have taken religious vows."

TITLE IX. OF CONFIRMATION (DISCERNIMIENTO) OF TUTORSHIP.

436. "If the minors are natural children who have been acknowledged by their parents, or are considered such, the provisions of the next two preceding articles shall be observed with regard to them. If they have been acknowledged by the mother only, or considered such with respect to her, the judge of competent jurisdiction to make the order of confirmation is the judge of the domicile of the mother, or that of the place of her residence, if her domicile is outside of the Republic."

TITLE X. OF THE ADMINISTRATION OF THE TUTORSHIP.

487. "The tutor is not entitled to any compensation whatsoever, and shall return what he may have received as compensation, if he violates the provisions regarding the marriage of tutors or of their children with their wards, whether male or female, or if he is removed from the tutorship on account of grave fault, or if the wards have an income sufficient for their support and education only, in which case said tenth may be reduced or not paid the tutor."

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TITLE XI. OF THE MODES IN WHICH TUTORSHIP TERMINATES.

489. "Tutorship terminates:

2. By the death of the minor, by his attaining his majority, or by his contracting marriage."

TITLE XIII. OF CURATORSHIP.

CHAPTER I.

Curatorship of Incapacitated Persons of Full Age.

502. "A curator is given to a person of full age incapable of administering his property."

503. "Insane persons, even though they have lucid intervals, and deaf-mutes unable either to read or write, are incapable of administering their property."

509. "Persons who have been declared incapacitated are considered minors as to their persons and property. The laws relating to the tutorship of minors apply to the curatorship of incapacitated persons."

510. "The husband is the legal and necessary curator of his wife when declared incapacitated, and the latter is the curatrix of her husband."

511. "The sons of full age are the curators of their widowed father or mother when declared incapacitated. If there are two or more sons, the judge shall designate the one who is to assume the curatorship."

512. "The father, and upon his death or incapacity, the mother, is the curator of their legitimate unmarried or widowed children who have no sons of full age who can discharge the curatorship."

513. "In all cases in which the father or mother can appoint a tutor to their minor children, they can by testament appoint curators to their children of full age who are insane or deaf-mutes."

517. "A person who has been declared incapacitated cannot be taken out of the Republic without express judicial authorization, granted upon the advice of at least two physicians, who declare that the measure would be beneficial to his health."

BOOK II.

OF PERSONAL RIGHTS IN CIVIL RELATIONS.

SECTION I. PART FIRST. OF OBLIGATIONS IN GENERAL.

TITLE I. OF NATURAL OBLIGATIONS.

549. "Obligations are civil or merely natural. Civil obligations are those which give a right to compel their performance. Natural obligations are those which, being based solely upon natural law and equity, do not grant a right of action to enforce their performance, but which, upon performance by the debtor, authorize the retention of what has been given by reason thereof; such are:

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1. Obligations contracted by persons who having sufficient judgment and understanding, are nevertheless incapable in cases in which she requires the authority of the husband, and adult minors."

TITLE V. OF CONDITIONAL OBLIGATIONS.

CHAPTER I.

Of Conditional Obligations in General.

561. "An obligation is pure when the fulfillment thereof does not depend on any condition whatsoever."

565. "The following conditions are expressly prohibited:

1. To live always in a specified place, or to subject the selection of a domicile to the will of a third person."

2. "To change or not change one's religion."

3. "To marry a specified person, or to marry with the approval of a third person, or at a certain place or within a certain time, or not to marry."

4. "To live in perpetual or temporary celibacy, or not marry a specified person, or to obtain a divorce."

CHAPTER IV.

Of Charges Imposed for the Acquisition or Resolution of Rights.

596. "The obligation to satisfy the charges imposed for the acquisition of rights, descends to the heirs of the person upon whom they have been imposed, unless he alone is able to satisfy them, as inherent in his person. If the person charged dies without satisfying the charges, the acquisition of the right is void, and the property reverts to the person who imposed the charges, or to his legal heirs."

OF OBLIGATIONS WITH RELATION TO THEIR OBJECT.

TITLE XII. OF DIVISIBLE AND INDIVISIBLE OBLIGATIONS.

CHAPTER I.

Of Divisible Obligations.

708. "When the obligation is contracted between a number of creditors and a single debtor, or between a number of debtors and a single creditor, the debt is divided among them in equal parts, in the absence of an agreement to the contrary."

709. "When in divisible obligations there are a number of creditors or a number of debtors, whether original or by succession, each of the creditors has the right to demand only his share of the credit; and the debtor who has paid the entire debt to a single one of the creditors, is not exonerated from paying the share of each creditor; and vice versa, each one of the debtors can be

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compelled only to pay his part of the credit, and may recover any amount in excess thereof paid by him."

710. "From the last part of the preceding article is excepted a case in which one of the debtors of one of the coheirs is charged with the payment of the entire debt, either under the terms of the obligation, or on account of an agreement to that effect in the division of the inheritance; in which event the debtor may be sued for the entire obligation, without prejudice to his rights as to the other co-debtors or coheirs."

711. "When one or more of the co-debtors is insolvent, the other co-debtors are not obliged to pay the part of the debt owed by the former."

712. "The suspension of prescription as to one of the debtors, does not benefit nor prejudice the other creditors or debtors."

OF OBLIGATIONS WITH RELATION TO PERSONS.

TITLE XIII. OF PURELY JOINT OBLIGATIONS.

725. "In purely joint obligations, the credit or the debt is divided into as many equal parts as there are creditors or debtors, if the instrument constituting the obligation has not established unequal parts among the persons interested. The parts of the various creditors of debtors are considered as constituting the same number of credits or debts distinct from each other."

TITLE XIV. OF SOLIDARY OBLIGATIONS.

746. "If any of the creditors or debtors dies, leaving more than one heir, none of the coheirs is entitled to demand or receive, or is obliged to pay more than his respective share in the credit or debt, according to his hereditary portion."

PART SECOND. EXTINCTION OF OBLIGATIONS.

TITLE XVI. OF PAYMENT.

760. "Payment may be made by all debtors not in a state to be considered incapacitated persons, and by all persons who have some interest in the performance of the obligation."

768. "Payment cannot be made to a person who is deprived of the administration of his property. It is valid only in-so-far as it has been applied to his benefit."

CHAPTER V.

Of payment with Subrogation.

801. "Payment with subrogation takes place, when it is made by a third person, to whom all the rights of the creditor are transmitted. Subrogation is conventional or legal. Conventional subrogation may be assented to, either by the creditor, without the intervention of the debtor, or by the debtor, without the concurrence of the will of the creditor."

802. "Subrogation takes place independently of an express assignment of the creditor in favor:

5. Of an heir who has accepted an inheritance with the benefit of inventory, and pays the debt against it with his own funds."

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CHAPTER IX.

Of Payment with the Benefit of Competency.

833. "The benefit of competency is that which is granted certain debtors, in order that they shall not be obliged to pay more than they well can, leaving them, consequently, what may be indispensable for a modest subsistence, according to their standing and circumstances, and with a charge of restitution when their fortune improves."

834. "A creditor is obliged to grant this benefit:

1. To his descendants or ascendants, if they have not committed an offense, against the creditor, of those included among the causes of disinherison."

2. "To his spouse, if not divorced through his fault."

3. "To his brothers and sisters, provided they have not committed an offense against the creditor as grave as those designated as causes for disinherison with regard to descendants and ascendants."

TITLE XIX. OF TRANSACTIONS.

CHAPTER I.

Of the Persons Who May Transact.

875. "The following cannot enter into transactions:

4. Executors, as to the rights and obligations of the testamentary estate, without authorization from the judge of competent jurisdiction, after a hearing of the persons interested."

5. "Tutors with the wards who become emancipated, as to the accounts of the tutorship, even though authorized to do so by the judge."

6. "Tutors and curators as to the rights of the minors and incapacitated persons, if not authorized therefor by the judge, after hearing the Department of Minors."

7. "Emancipated minors."

CHAPTER II.

Of the Object of Transactions.

877. "A transaction cannot be entered into upon questions relating to the validity or nullity of a marriage, unless the transaction is in favor of the marriage."

879. "No transactions can be entered into as to contests relating to the paternal power, or the authority of the husband, or the family status itself, or the right to claim the status which corresponds to persons, whether by natural filiation, or legitimate filiation."

882. "No transactions can be entered into involving eventual rights to a succession, nor involving the succession of a living person."

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TITLE XX. OF CONFUSION.

897. "Confusion does not take place, even though the qualities of creditor and debtor are united in the same person by virtue of inheritance, if the latter has been accepted with the benefit of inventory."

SECTION II. OF ACTS AND JURIDICAL ACTS WHICH GIVE RISE TO THE ACQUISITION, TRANSFER OR EXTINGUISHMENT OF RIGHTS AND OBLIGATIONS.

TITLE I. OF ACTS.

944. "No one can compel another to do a thing, or restrict his liberty, without a special right to do so having been constituted."

953. "Silence as to acts, or to an inquiry, is not considered as a manifestation of the will, as agreeing to the act or as replying to the inquiry in the affirmative, except in cases in which an obligation to explain oneself is imposed by the law or by the relations of family, or by reason of a relation between the present silence and previous statements."

CHAPTER III.

Of Acts Produced by Force and Fear.

971. "There is intimidation when there is inspired by means of unjust threats in one of the parties, a well founded fear of suffering an imminent and grave injury to his person, liberty, honor or property, or to his spouse, descendants or ascendants, either legitimate or illegitimate."

972. "Intimidation does not affect the validity of acts, except when by reason of the condition of the person, his character, habits of sex, it can be judged that it must have made a strong impression upon him."

974. "Reverential fear, or that in which descendants stand of their ascendants, that in which the wife stands of her husband, or subordinates of their superiors, is not a sufficient cause for the annulment of acts."

TITLE II. OF JURIDICAL ACTS.

986. "The existence of dispositions of last will begins the day of the death of the respective disposing parties, or on the date the law presumes that their death occurred (Art. 117)."

TITLE III. OF PUBLIC INSTRUMENTS.

1024. "Unemancipated minors, insane persons, the blind, persons who have no domicile or residence in the place, women, persons who do not know how to sign their names, the employees of the public official, and the employees of other offices authorized to draw up public instruments, the relatives of the public official within the fourth degree, bankrupt merchants who have not obtained their discharge, members of religious communities and persons who are incompetent to be witnesses to public instruments by virtue of a sentence, cannot be witnesses to public instruments."

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TITLE VIII. OF UNLAWFUL ACTS.

CHAPTER I.

Of Offenses (Delitos).

1114. "The husband and the parents may demand damages for the injuries committed against the wife and the children."

CHAPTER II.

Of Offenses Against Persons.

1118. "When the offense consists of a homicide, the delinquent is under the obligation of paying all the expenses incurred in the attendance of the deceased and in his funeral; also, whatever may be necessary for the maintenance of the widow and children of the deceased, the amount of the indemnity and the form of the payment thereof being left to the discretion of the judges."

1119. "The right to demand the indemnity provided for in the first part of the preceding article, is vested in any one who has defrayed the expenses therein referred to. The indemnity referred to in the second part of the article can be demanded only by the surviving spouse, and by the necessary heirs of the deceased, if they are not declared guilty of the offense as authors or accomplices, or if they did not prevent it, being able to do so."

1122. "If the offense should consist of rape or abduction, the indemnity shall consist in the payment of a sum of money to the woman aggrieved, if she has not contracted marriage with the delinquent. This provision applies also when the offense consists of carnal copulation with the use of violence or threats against any chaste woman, or the seduction of a chaste woman under eighteen years of age."

CHAPTER IV.

Of the Exercise of Actions to Recover Damages Ex Delicto.

1132. "An action to recover damages ex delicto, may be directed against the universal successors of the principals and accomplices, the provisions of the laws relating to the acceptance of inheritances with the benefit of inventory being nevertheless observed."

1134. "An action for damages ex delicto, even though the offense be one punishable under the criminal law, is extinghished by the renunciation of the persons interested; but the renunciation by the person directly injured does not bar the exercise of the right of action which may vest in the spouse or his or her parents."

TITLE IX. OF OBLIGATIONS ARISING OUT OF UNLAWFUL ACTS WHICH DO NOT CONSTITUTE OFFENCES.

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1143. "Any person performing an act, which through his fault or negligence causes damage to another, is obliged to repair the damage. This obligation is governed by the same provisions to which the offenses of the civil law are subject."

1147. "The obligation of a person who has caused damage, extends to the damages caused by the persons dependent upon him, or by the things of which he makes use, or which he has under his care."

1148. "The father, and in the event of his death, absence, or incapacity, the mother, is liable for the damages caused by their minor children under their power, and living with them, whether legitimate or natural."

1149. "The liability of parents terminates when the child has been placed in an establishment of any kind whatever and is in a permanent manner under the surveillance and authority of another person."

1150. "Parents are not liable for the damages caused by the acts of their children, if they prove that it was impossible for them to prevent such acts. This impossibility does not result from the mere circumstance of the act having occurred out of their presence, if it appear that they had not exercised active watchfulness over their children."

1151. "The provisions regarding parents apply to tutors and curators, as to the acts of the persons under their charge. They apply likewise to the directors of colleges, master artisans, as to the damage caused by their pupils or apprentices, over ten years of age, and they are exempt from all liability if they prove that they could not prevent the damage with the authority which their capacity vested in them, and with the care which it was their duty to employ."

SECTION III. OF OBLIGATIONS EX CONTRACTU.

TITLE I. OF CONTRACTS IN GENERAL.

CHAPTER III.

Of the Object of Contracts.

1209. "A future inheritance cannot be the object of a contract, even though it be entered into with the consent of the person whose succession is involved; nor eventual hereditary rights in particular objects."

CHAPTER IV.

Of the Forms of Contracts.

1218. "The following must be reduced to a public deed, under the penalty of nullity, excepting those celebrated at public auction:

2. Extrajudicial partitions of inheritances which involve one thousand pesos or more, or which include immovable property, even though the value thereof be less than said amount."

4. "Marriage agreements and the settlement of dowries exceeding one thousand pesos."

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5. "All constitutions of life annuities."

6. "The assignment, repudiation, or waiver of hereditary rights, involving an amount of one thousand pesos or more."

CHAPTER VI.

Of the Effect of Contracts.

1229. "The effects of contracts extend actively and passively to the heirs and universal successors, unless the obligations arising therefrom are inherent in the person, or the contrary results from an express provision of the law, a clause of the contract, or the nature of the contract itself. Contracts cannot prejudice third persons."

TITLE II. OF THE CONJUGAL PARTNERSHIP.

CHAPTER I.

Of Marriage Agreements.

1251. "Before the celebration of the marriage the spouses may enter into agreements upon the following matters only:

1. The designation of the property which each brings to the marriage."

2. "The reservation to the wife of the right to administer certain of the real property which she brings to the marriage, or which she acquires thereafter on her own behalf."

3. "The donations which the husband makes to the wife."

4. "The donations which the spouses make to each other of the property which they may leave upon their death."

1252. "Any agreement between the spouses on any other subject relating to their marriage, as well as any waiver by either of them in favor of the other, or of the right to the acquets and gains of the conjugal partnership, is void."

1253. "No marriage contract can be entered into, under the penalty of nullity, after the celebration of the marriage; nor can that made before the celebration, be revoked, altered or modified."

1254. "The validity of matrimonial agreements, made outside of the Republic, is governed by the provisions of this Code relating to juridical acts executed without the territory of the Nation."

1255. "Marriage contracts between persons who are unable to marry owing to an impediment, are void, even though the impediment subsequently disappears, or is dispensed with and the marriage celebrated."

1256. "A minor who, under the law, is able to marry, may also enter into marriage agreements upon the objects mentioned in Article 1251 (1217), if the persons whose previous consent he requires in order to contract marriage are present at the execution thereof."

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1257. "Marriage agreements must be reduced to a public instrument, under the penalty of nullity, when the value of the property exceeds one thousand pesos, or if rights in real property are established therein. In the absence of notaries public, they shall be executed before the judge of the district and two witnesses. When the property does not amount to the sum of one thousand pesos, they may be entered into by a private instrument in the presence of two witnesses."

1258. "If there is no public or private instrument showing the property which the spouses bring to the marriage, it shall be held that the marriage is contracted, by placing in a common stock the personal property and fungibles of both; and upon the dissolution of the partnership, they shall be considered as property acquired during the marriage. The same shall be held in the absence of written evidence of the movables and fungible things which the husband or wife have acquired during the marriage, by inheritance, legacy or donation."

1259. "The public instrument embodying the marriage contract must set forth the names of the parties, those of the fathers and mothers of the contracting parties, the nationality of the spouses, their religion, their age, their domicile and their residence at the time, the degree of relationship, if any, the signatures of the parents or tutors of each of the contracting parties, if minors, or that of a special curator if the parents have refused their consent to the marriage, and said consent is supplied by the judge."

1260. "The wife cannot reserve the administration of her property, whether of that which she brings to the marriage, or of that which she acquires subsequently in her own name. She may reserve only the administration of specified real property, or of that which the husband donates to her."

1261. "If the wife, after the celebration of the marriage, acquires property by donation, inheritance or legacy, the donors and the testator may impose the condition that it is not to be received and administered by the husband, and the wife may administer it with his permission, or with that of the judge, if the husband refuses to grant her permission, or is not able to do so."

1262. "With relation to the husband and his heirs, the acknowledgment of the receipt of the dowry, in any form whatsoever, is proof of the obligation to return it to the wife or to her heirs."

1263. "In relation to the creditors of the husband, the acknowledgment of the receipt of the dowry shall not prejudice them, unless such acknowledgment appears in the nuptial agreements, or some other public instrument executed before the celebration of the marriage, or unless it be established by a public instrument, testaments, or partitions, or by other instruments having similar force, that the wife acquired the property the receipt of which the husband acknowledges."

CHAPTER II.

Of Donations to the Wife.

1264. "The donations which the husband makes to his wife, are governed by the provisions contained in the Title Of Donations."

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1265. "The wife cannot make any donation whatsoever to her husband in the marriage contract, nor waive any right accruing to her from the conjugal partnership."

1266. "In order to decide whether the donations which the spouses make of the property left by them at the time of their death are inofficious or not, the provisions of Arts. 1864 (1830) and 1865 (1831) shall be observed."

1267. "When the donations which the spouses make of the property left at the death of either one of them, consist of specified property, either movable or immovable, such property cannot be alienated during the marriage, without the express consent of both spouses."

1268. "These donations are valid even if the donor survives the donee, if the latter leave legitimate children. But when no legitimate children of the marriage or of another previous marriage are left, the donor may revoke them. If he fails to revoke them during his lifetime, or by his testament, the donation shall pass to the heirs of the donee."

1269. "A donation made by the husband to his wife, or that which either makes to the other spouse of the property which he or she leaves upon his or her death, need not be accepted by the donee in order to make the donation valid."

1270. "Donations by one spouse to the other, promised in the nuptial agreements to take effect after the death of either of them, cannot be revoked, except as an effect of divorce, or by virtue of the annulment of the marriage."

1271. "When a clause has been embodied in the nuptial agreements providing for the usufruct of property in favor of one of the spouses upon the death of the other, without limiting it to the case of such spouse not having ascendants or descendants, it shall not affect the legitime of such ascendants or descendants, and is valid only as to that portion of the property of which the deceased spouse could freely dispose."

1272. "The donations made under the marriage contract are valid only if the marriage is celebrated and is not annulled, without prejudice to the provisions of Article 244 regarding putative marriages."

1273. "The provisions of Articles 245 and 246 shall be observed as to donations made to a spouse in good or bad faith, if the putative marriage is annulled."

1274. "All donations by reason of marriage are irrevocable, and can be revoked only if they are conditional and the condition is not performed, or if the marriage is not celebrated, or if it is annulled by a judgment having the force of res judicata, without prejudice to the provisions relating to putative marriages."

1275. "A promise made to the husband by the parents of the wife, her relatives, or by other persons, to settle a dowry upon her cannot be proved other than by a public instrument."

1276. "The person who promises a dowry for the wife, incurrs delay in the delivery thereof from the date of the celebration of the marriage, if no term for the delivery has been stated in the respective instrument."

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CHAPTER III.

Of the Dowry of the Wife.

1277. "The dowry of the wife is made up of all the property which she brings to the marriage, and of that which she acquires during the marriage, by inheritance, legacy or donation."

1278. "Persons who have been the tutors of a wife under age, her parents, and in general persons who have funds belonging to her on any account whatsoever, cannot deliver them to the husband; they must deposit them in the public depositories, in the name of the wife. If they fail to do so, they continue to be bound to her, as they had been previously."

1279. "In cases of inheritances or legacies due a wife under age, the funds must be deposited by the judge in the public depositories in her name."

1280. "The real property purchased with funds belonging to the wife is her property, if the purchase was made with her consent and with the intention that she acquire it, this fact being set forth in the deed of purchase, as well as the source from which the wife obtained the money."

1281. "Whatever is exchanged for the private property of the wife with her consent belongs to her also, and the origin of the property which she gave in exchange shall also be stated."

1282. "Donations promised or made to the wife by reason of marriage, or as dowry, are governed by the provisions relating to gratuitous titles, and the persons promising or settling them, are bound only as donors are to donees in simple donations. They carry with them the implied condition of the marriage taking place, or having taken place."

1283. "As long as the wife remains a minor, the husband requires judicial authorization to withdraw from the public depositories the funds belonging to her; to alienate securities of the national or provincial public debt registered in her name, to exchange her real property, or to alienate it, or to constitute real rights therin."

1284. "The judge may grant him authorization only in case of necessity or manifest advantage to the wife."

1285. "The appraisal of the property of the wife, whether real or movable, and the delivery thereof to the husband, even though the value set thereon is below its appraised value, does not deprive her of the ownership thereof, nor make it the property of the partnership or of the husband."

1286. "If the wife is of full age, she may with the permission of her husband, or both of them jointly may, without judicial authorization, alienate her real property as well as her registered securities, and freely dispose of the funds on deposit in the public depositories."

1287. "If the husband, without authorization from the wife, alienates immovable property belonging to her, or constitutes real rights therein, the wife shall have the right in the former case to recover it, and in the latter, to avail herself of the rights of action vested in her as the owner thereof to release them from any incumbrances laid thereon without her consent."

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1288. "The husband is a debtor to the wife in the value of all of her property which at the time of the dissolution of the partnership is not represented by real property recorded in the name of the wife, by national or provincial securities, or by deposits in the public depositories in her name."

1289. "The property which the husband brought to the marriage, and that which he subsequently acquired by donations, inheritances or legacies, may be alienated by him, without requiring the consent of the wife, or judicial authorization."

1290. "When property belonging to the wife on which no value has been set is alienated during the marriage, the liability of the husband extends to the amount for which the alienation was made."

1291. "The husband may alienate the movable property forming part of the dowry, with the exception of that which the wife may desire to retain."

1292. "If insolvency proceedings have been taken against the husband, or if the marriage has been dissolved, and there are insolvency proceedings against the conjugal partnership, the wife is entitled, under an action of ownership, to the real or personal property remaining of what she brought into conjugal partnership, or which she subsequently acquired in her own name, either by exchange, or by purchase with her own funds. She is entitled also, as the owner thereof, to the securities of the national or provincial debt, and to the funds deposited in the public depositories in her name."

1293. "The wife has a personal right of action only, for the recovery of what the husband or the partnership owes her, without any right of mortgage or privilege whatsoever, when the husband has not constituted an express mortgage in her favor."

1294. "The wife may prove her credit against the property of the husband or of the conjugal partnership, by any of the means which can be employed by third personal creditors, except the confession of the husband, when there are other creditors."

CHAPTER IV.

Beginning of the Partnership, Capital of the Spouses, and Assets of the Partnership.

1295. "The partnership begins from the date of the celebration of the marriage, and it cannot be stipulated to commence before or after."

1296. "The conjugal partnership is governed by the rules relating to contracts of partnership, insofar as not in conflict with the express provisions of this title."

1297. "The capital of the conjugal partnership consists of the private property which constitutes the dowry of the wife, and of the property which the husband contributes to the marriage, or which he may acquire thereafter by donation, inheritance or legacy."

1298. "Property donated, or left by testament to the husband and wife jointly with a designation of specified parts, belongs to the wife as dowry, and to the husband as his own capital in the proportion determined by the donor or testator; and in the absence of any determination, equally to each of them."

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1299. "If the donations are onerous, there shall be deducted from the dowry and from the capital of the husband, or only from the dowry if it be a donation of the husband, the amount of the charges to be borne by the partnership."

1300. "Property acquired by exchange for other property belonging to one of the spouses, or immovable property purchased with money belonging to one of them, and the material increase accruing to any object belonging to one of the spouses, forming a single body therewith by alluvion, building, planting, or through any other cause, belongs to the spouse making the exchange, or to whom the money or the principal object belonged."

1301. "A thing acquired during the existence of the partnership does not belong to it, even though acquired under an onerous title, when the cause or title of the acquisition preceded it and it was paid for with property belonging to one of the spouses."

1302. "Nor does the property which one of the spouses held before the commencement of the partnership under a vicious title, but which has been purged of its vice during the partnership, by any legal remedy, belong to the partnership."

1303. "Nor the property which reverts to one of the spouses on account of the annulment or resolution of a contract, or by reason of the revocation of a donation."

1304. "Nor the right of usufruct, which becomes merged with the ownership during the marriage, nor interest accruing in favor of one of the spouses before the marriage and paid thereafter."

1305. "The property existing at the time of the dissolution of the partnership belongs to it as acquets and gains, in the absence of proof that it belonged to one of the spouses at the time of the celebration of the marriage, or that he or she acquired it thereafter by inheritance, legacy or donation."

1306. "The property which each of the spouses or both acquire during the marriage under any title other than inheritance, donation, or legacy, also constitutes acquets and gains, as does the following:

1307. "The property which should have been acquired by one of the spouses during the marriage, but which in fact was not acquired until after the dissolution of the partnership, on account of no notice thereof having been had or its acquisition or enjoyment having been unjustly interfered with, is considered to have been acquired during the marriage."

1308. "Remuneratory donations made to one of the spouses, or to both for services on which no right of action could be based against the person who made them, do not form part of the partnership assets; but those made for services on which a right of action could be based against the donor, belong to the partnership, unless such services were rendered before the commencement of the conjugal partnership, as in such case the remuneratory donation does not belong to the partnership, but to the spouse who rendered the service."

CHAPTER V.

Charges of the Partnership.

1309. "The following are charges upon the conjugal partnership:

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1. The maintenance of the family and of the common children; and also of the legitimate children of one of the spouses; the support which one of the spouses is obliged to give to his or her ascendants."

2. "The repair and maintenance in good condition of the private property of the husband or of the wife."

3. "All the debts and obligations contracted during the marriage by the husband, and those contracted by the wife in cases in which she can legally bind herself."

4. "Whatever is given or expanded in establishing the children of the marriage in life."

5. "Whatever is lost by fortuitous acts, such as lottery, gambling, botting, etc."

CHAPTER VI.

Administration of the Partnership.

1310. "The husband is the legal administrator of all the property of the marriage, whether dotal or acquired after the constitution of the partnership, with the limitations set forth in this Title, and excepting the cases in which the administration is given the wife, of the entire partnership capital, or of her own property."

1311. "He may alienate and encumber under an onerous title the property acquired during the marriage, reserving the rights of the wife, when the alienation is made in fraud of her rights. He may also make donations of his own property and of that gained during the partnership, in accordance with the provisions of the Title Of Donations."

1312. "The husband cannot give in lease the rural property of the wife for more than eight years, nor her urban property for more than five. She and her heirs are obliged, upon the dissolution of the partnership, to respect the contract for a term not exceeding the limits stated."

1313. "The lease may be made for a longer term, if executed by the husband and wife, if the latter be of full age, or with the permission of the judge, if she be under age."

1314. "The husband is liable for the obligations contracted by him, before or after the celebration of the marriage, without prejudice to the allowances he must make to the partnership, or the partnership to the husband."

1315. "He is liable for the obligations contracted by the wife under a general or special power of attorney, or with his express or implied authorization, and the creditors may demand payment of him both from the property of the partnership and from his own property."

1316. "The wife who performs acts of administration, with authorization from the judge, owing to a temporary impediment on the part of the husband, binds the latter as if the act had been performed by him."

1317. "The creditors of the wife on account of her obligations antedating the marriage, may demand payment from the property acquired during the marriage, if the wife has no property of her own."

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1318. "The administration of the property of the conjugal partnership is transferred to the wife, when she is appointed curatrix of her husband. She has in such case the same powers and liabilities as the husband."

1319. "She cannot, without special authorization from the judge, alienate either the real property of the husband, her own property, or that acquired during the marriage, or accept without the benefit of inventory an inheritance offered to her husband. Any act in violation of these limitations, renders her liable with her property, in the same manner as the husband would be with his property, if he should abuse of his administrative powers."

1320. "All the acts and contracts of the wife acting as administratrix, not prohibited to her by the preceding article, are considered as acts of the husband, and bind the partnership and the husband."

1321. "The wife who is the administratrix of the property may lease the real property belonging to the husband, under the same conditions as the latter may lease the property belonging to her."

1322. "Upon the termination of the causes which transferred the administration to the wife, the husband recovers his administrative powers."

1323. "If on account of the incapacity or the excuse of the wife, the curatorship of the husband of the property is entrusted to another person, the curator shall have the administration of all the property of the conjugal partnership, with the obligations and liabilities imposed on the husband."

1324. "When the wife does not desire to submit the property of the partnership to such administration, she may request the separation thereof."

CHAPTER VII.

Of the Dissolution of the Partnership.

1325. "The conjugal partnership is dissolved by the judicial separation of the property, by a decree annulling the marriage, and by the death of one of the spouses."

1326. "During the union of the husband and of the wife, the latter alone, and not the husband, has the right to demand the separation of the property of both and of that acquired up to the time of the demand."

1327. "A wife who is a minor cannot demand the separation of property without having a special curator, and without the intervention of the next friend of minors (defensor de menores)."

1339. "In order to protect his future liability the husband may demand that a judicial inventory be made of the property of the wife coming under the new administration, or the existence of the property may be determined by a public instrument signed by him and by the wife."

1328. "The wife has the right to demand the separation of property only when the improper administration of the husband causes her to run the risk of losing her own property, or when insolvency proceedings have been had against him."

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1329. "An action for the separation of property having been instituted or even before it has been brought, when there is danger in delay, the wife may demand that the movable property belonging to her which is in the possession of the husband be attached, and that the alienation of the property of the husband, or of the partnership, be enjoined. She may also demand that she be allowed whatever may be necessary for the costs of these proceedings."

1330. "The husband may oppose the separation of property, and give bond or mortgages to secure the property of the wife."

1331. "Any lease made by the husband after the institution by the wife of the action for separation of property, is held to be simulated and fraudulent, if made without her consent or without judicial authorization. The receipt in advance of the price of lease or rental, is also considered simulated and fraudulent."

1332. "The wife may attack as fraudulent any act or contract of the husband, prior to the action for the separation of property, in accordance with provisions relating to acts in fraud of creditors."

1333. "The separation of property having been decreed, the conjugal partnership is extinguished. The wife and the husband shall receive their own property, and that due them as acquets and gains, upon the liquidation of the partnership."

1334. "During the separation, the husband and the wife must contribute to their own support, and to the support and education of their children, in proportion to their respective property."

1335. "After the separation of property, the wife is not entitled to any part of what the husband earns thereafter, nor the latter to any part of what she earns."

1336. "A wife separated as to property does not require authorization from the husband for acts and contracts relating to the administration of, nor to alienate her movable property; but she requires judicial authorization to alienate the real property, or to constitute real rights therein."

1337. "The creditors of a wife separated as to property, on account of acts or contracts which she could legally enter into, have a right of action against her property."

1338. "The judicial separation of property may terminate by agreement of the spouses, if they should reduce it to a public instrument, or if the judge so orders on the petition of both. Upon the termination of the judicial separation of property, the latter reverts to the state in which it was before the separation, as if the separation had never existed, all the legal acts of the wife during the time of the separation remaining valid, as if they had been authorized by the husband."

1339. "In order to protect his future liability the husband may demand that a judicial inventory be made of the property of the wife coming under the new administration, or the existence of the property may be determined by a public instrument signed by him and by the wife."

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1340. "In case of divorce, the innocent spouse has the right to demand the judicial separation of property, and with regard to the property, the effects of the divorce with respect to the spouses and to third persons, are governed by the provisions of the preceding articles, and those contained in Chapter X, Title of Marriage."

1341. "When in pursuance with the provisions of Articles 116 and 117, the judge has fixed the presumptive date of the death of the absent husband, the wife has the option, either to prevent the provisional exercise of the rights subordinated to the death of the husband, or to demand the judicial division of the property."

1342. "She may avail herself of this right, even though she herself has requested a judicial declaration of the presumptive date of the death of her husband, and even though she has already elected to continue the conjugal partnership; but if she has decided in favor of the dissolution of the partnership, she cannot retract her election after its acceptance by the parties interested."

1343. "If the wife elects in favor of the continuation of the partnership, she shall administer all the property of the marriage; but she shall not be permitted to elect in favor of the continuation of the partnership, if immediately thereafter, on account of the time which has elapsed, it becomes necessary to decree the definite succession of the husband."

1344. "The conjugal partnership does not continue beyond the date on which the definite succession is decreed."

1345. "If the wife elects in favor of the dissolution of the conjugal partnership, her own property shall be separated, and the common property divided, the provisions of Book 4 of this Code relating to provisional succession being observed."

1346. "When the marriage is annulled, the provisions of Articles 244 et seq. of Chapter XIII, Title of Marriage, shall be observed as to the dissolution of the partnership."

1347. "Upon the dissolution of the partnership by the death of one of the spouses, the inventory and division of the property shall be proceeded with in the manner prescribed in Book IV of this Code for the division of inheritances."

1348. "When it becomes necessary to execute simultaneously the liquidation of two or more conjugal partnerships contracted by one and same person, all means of proof shall be admitted, in the absence of inventories, to determine the interest of each, and in case of doubt the property shall be divided among the different partnerships, in proportion to the time of their duration, and in proportion to the private property of each of the spouses."

1349. "The acquets and gains of the conjugal partnership shall be equally divided between the husband and the wife, or their heirs, without consideration to the private capital of the spouses, and even through one of them has not contributed any property to the partnership."

1350. "If there has been bigamy, and the woman in the second ostensible marriage acted in good faith, the legitimate wife is entitled to one-half of the acquets and gains acquired up to the time of the dissolution of the marriage. The second wife may recover from the share of the bigamist in the acquets and gains, and from the property contributed by him during the legitimate marriage, the acquets and gains to which she would have been entitled during her common life with him, if the marriage had been legitimate."

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CHAPTER VIII.

Of the Restitution of Dotal Property.

1351. "The restitution of dotal property lies in the same cases in which the community of that acquired during the marriage terminates, and in the case of a judicial separation of property, without divorce."

1352. "The existing property of the wife must be returned to her in the condition in which it is, whether it has been appraised or not."

1353. "If the dowry comprises credits or rights which have been lost without the fault of the husband, the latter discharges his obligation by the delivery of the respective titles or documents."

1354. "The dotal immovables and the nonfungible movables which form part of the dowry, in the possession of the husband or forming part of his testate succession, must be returned to the wife within thirty days after the decree of divorce or judicial separation of property without divorce has been made, or after the date of the dissolution of the marriage, or after the date of the decree having the force of res judicata whereby the marriage was annulled."

1355. "The money and the fungible property of the dowry or the value of the property not in the possession of the husband or in his testate succession, must be returned within a period of six months counted in the same manner."

1356. "Upon the expiration of the aforementioned periods, the husband or his heirs who fail to return the dotal property, are in default for all legal purposes."

TITLE III. OF THE CONTRACT OF PURCHASE AND SALE.

CHAPTER III.

Of Persons Who Can Buy and Sell.

1392. "A contract of sale cannot take place between husband and wife, even though they are judicially separated as to their property."

1393. "Tutors, curators, and parents cannot, under any form whatsoever, sell their own property to the persons under their guardianship of paternal power."

1394. "Emancipated minors cannot sell their real property, nor that of their wives or children, without judicial authorization."

1395. "The following are forbidden to make purchases, even though at public sale, in person or through intermediaries:

1. Parents, of the property of the children who are under their paternal power."

2. "Tutors, curators, of the property of the persons under their charge, and to purchase property for such persons, except in the cases and in the manner prescribed by the laws."

3. "Executors, of the property of the estates in their charge."

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TITLE IV. OF THE ASSIGNMENT OF CREDITS.

1484. "A husband is forbidden to assign the securities of the national or provincial public debt, registered in the name of his wife, without her express consent, if she be of age, and without her consent and that of the local judge, if she be under age."

1485. "Parents are also forbidden to assign such securities registered in the name of the children under their paternal power, without express authorization from the judge of the territory."

TITLE VI. OF LEASE AND HIRE.

CHAPTER VIII.

Of the Hire of Services.

1658. "The service of persons of either sex who come to an agreement for domestic service, is governed by the municipal or police ordinances of each town. The relations between artisans and apprentices, and between teachers and pupils, are governed by special provisions. The service of transportation companies or agents, by land as well as by water, of persons as well as of things, are governed by the laws of the Code of Commerce and by those of this Code, as to their responsibility for the things delivered to them."

1659. "A person who has brought up another person cannot be compelled to pay him any wages for services rendered, until he has attained the age of fifteen years. Nor shall tutors who have kept with them persons under fifteen years of age, because they could not procure a situation for them, be compelled to pay salaries."

TITLE VII. OF PARTNERSHIP.

CHAPTER VIII.

Of the Rights and Obligations of Partners Inter Se.

1771. "When a woman who is a member of a partnership contracts marriage, she shall not be considered incapable, if authorized by the husband to continue in the partnership."

TITLE VIII. OF DONATIONS.

CHAPTER II.

Of the Persons Who Can Make and Accept Donations.

1839. "The father and the mother, or both jointly, may make donations to their children of whatever age. When it is not stated to what account the donation is to be imputed, it is understood that it is made as an advancement on the legitime."

1841. "The following cannot make donations:

1. The spouses to each other, during the marriage, nor one of the spouses to the children which the other spouse has from another marriage, or to the persons of whom the other is the presumptive heir at the time of the donation."

2. "The husband, without the consent of the wife, or supplementary authorization from the judge, of the real property of the marriage."

3. "Parents, of the property of the children who are under their paternal power, without express judicial authorization."

4. "Tutors, of the property of their wards, except in the cases designated in subdivision 5 of Article 484 (450)."

5. Curators, of the property entrusted to their administration.

1842. "The following cannot accept donations:

1. A married woman, without the permission of the husband or of the judge."

2. "Tutors, on behalf of their wards, without express authorization from the judge."

3. "Curators, on behalf of the persons in their charge, without judicial authorization."

4. "Tutors and curators, of the property of the persons they have had under their charge, before the rendition of accounts, and the payment of the balance appearing against them."

CHAPTER III.

Of the Forms of Donations.

1844. "The following must be made before a notary public, in the usual form of contracts, and in the absence of a notary public, before the local judge and two witnesses, under the penalty of nullity:

1. "Donations of immovable property."

2. "Remuneratory donations."

3. "Donations subject to a charge."

4. "Donations by one spouse to the other to take effect after death."

5. "Donations of periodical or life prestations."

CHAPTER IV.

Of Mutual Donations.

1853. "Mutual donations are those which two or more persons make to each other in one and the same instrument."

1854. "Mutual donations are not permitted between spouses."

CHAPTER VII

Of Inofficious Donations.

1864. "An inofficious donation is considered one the value of which exceeds that of which the donor could dispose; and in this regard the provisions contained in Book 4 of this Code shall be observed."

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1865. "If the inventory of the property of a deceased donor shows that the donations he had made were inofficious, his necessary heirs may bring an action to have them reduced to an amount sufficient to permit their legitimes to be covered."

1866. "An action for the reduction of donations may be brought only:

1. By heirs who are descendants or ascendants of the donor, who were heirs at the time of the donation."

2. "If the donations are gratuitous, and not if remuneratory or subject to charges, except insofar as they may have been gratuitous."

TITLE IX. OF MANDATE.

1915. "Special powers of attorney are necessary:

5. To contract marriage in the name of the principal."

6. "To acknowledge natural children."

16. "To accept inheritances."

CHAPTER V

Of the Termination of the Mandate.

2019. "Nevertheless, a mandate conferred by a woman before her marriage continues in force, if it related to acts which she can perform without requiring authorization from her husband."

TITLE XVII. OF COMMODATUM.

2296. "Tutors are forbidden to lend the property of their wards, and curators the property under their administration; and in general, all administrators of the property of others, the public or private property which is entrusted to their administration, unless authorized to do so by special powers of attorney."

TITLE XVIII. OF THE MANAGEMENT OF ANOTHER'S

AFFAIRS (Negotiorum Gestio).

2340. "When a person, without being the manager of the business or a mandatary, makes expenditures for the benefit of another person, he may bring an action to recover them against the person to whose benefit they have accrued."

2341. "Among the class of expenditures referred to in the foregoing article, are the funeral expenses incurred in relation to the standing of the person and the usages of the place, but as such expenses are not considered those incurred for the repose of the soul after the burial of the body, nor the mourning of the family, nor any other expenditures, even though the deceased directed that they should be made."

2342. "If the deceased left no property, the funeral expenses shall be paid by the surviving spouse, and when such spouse has no property, by the persons whose obligation it was to support the deceased during his or her lifetime."

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BOOK III.

OF REAL RIGHTS.

FIRST AND LAST CHAPTER.

Of Things Considered in Relation to Persons.

2376. "The following are the private property of the general State or of the individual States:

3. Vacant or unclaimed property, and property of persons dying without heirs, according to the provisions of this Code."

TITLE V. OF THE OWNERSHIP OF THINGS AND

OF THE MODES OF ACQUIRING IT.

CHAPTER I.

Of Appropriation.

2594. "The treasure found by the husband or wife on the estate of one or the other, or that part to which the owner of the treasure found by a third person on the estate of the husband or of the wife is entitled, belongs to both as acquets and gains."

TITLE X. OF USUFRUCT.

2841. "Usufruct is the real right to use and enjoy a thing the ownership of which is vested in another, provided its substance is not changed."

2850. "A legal usufruct is established by the law in the property of minor children in favor of their parents, in accordance with the provisions contained in the Title Of the Paternal Power; and also in the property subject to reservation by the widowed spouse, according to the provisions of the Title Of Marriage."

CHAPTER I.

Of the Capacity to Establish a Usufruct and of

the Things Upon Which it May Be Established.

2874. "Nor can it be established on the dotal property of the wife, not even with the consent of the husband and wife."

CHAPTER II.

Of the Obligations of the Usufructuary Before Entering

Upon the Use and Enjoyment of the Property.

2892. "Parents are not required to give security for the usufruct of the property of their children; but this dispensation does not extend to the usufruct constituted by agreement or the testament of a third person for the benefit of the parents in the property of the children."

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TITLE XI. OF USE AND HABITATION.

2987. "Use and habitation are limited to the personal needs of the usuary or of the person having the right of habitation and his family, according to their social position."

"The family comprises the wife and the legitimate and natural children, both those living at the time of the constitution thereof and those born thereafter, the number of necessary servants, and, in addition, the persons who at the time of the constitution of the use or habitation lived with the usuary or person having the right of habitation, and the persons to whom the latter owe support."

2988. "The personal needs of the usuary shall be determined in relation to the various circumstances which tend to increase or reduce them such as his habits, the state of his health, and the place where he lives, and it cannot be pleaded that he is not a person in need."

2991. "If it be recognized that the estate upon which a right of use has been established should not produce in an ordinary year an amount of fruits more than sufficient to provide for the needs of the usuary, or if the house is sufficient for him and his family only, the entire possession of the estate or house must be delivered to him, as if he were a usufructuary. He is bound to make the necessary repairs and pay the taxes, as if he were a usufructuary. If he takes a part of the fruits only, or occupies a part of the house only, he shall contribute in proportion to the part enjoyed by him."

2997. "A person who has the right of habitation cannot make use of the house for any purpose other than as a dwelling for himself and his family, or for the establishment of his industry or commerce, if not unsuitable therefor; but he cannot assign the use thereof nor rent it."

2998. "When the use is established in movables, the usuary has the power to use them for his personal service and that of his family only, and cannot assign the use thereof to others, even though objects which the owner customarily rented are involved."

TITLE XII. OF SERVITUDES.

CHAPTER IV.

Of the Extinction of Servitudes.

3092. "There is no merger of the two qualities of dominant owner and possessor of the servient tenement when the possessor of one of the immovables becomes merely a co-owner of the other immovable, or when the conjugal partnership acquires an estate which is dominant or servient to another estate which belongs to one of the spouses, or to one of the partners, unless upon the dissolution of the marriage, or the dissolution of the partnership, both estates become the property of the same person."

TITLE XVI. OF ANTICHRESIS

3277. "A husband may also give in antichresis the fruits of the immovable property of his wife, during the existence of the marriage, or until a separation of property takes place."

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BOOK IV.

OF REAL AND PERSONAL RIGHTS.

GENERAL PROVISIONS.

SECTION I. OF THE TRANSMISSION OF RIGHTS BY THE DEATH OF THE PERSONS IN WHOM THEY WERE VESTED.

TITLE I. OF SUCCESSION.

3317. "The right of succession to the patrimony of the deceased is governed by the local law of the domicile of the deceased at the time of his death, whether the successors be nationals or foreigners."

3319. "If the deceased has not left more than one heir, the actions must be brought before the judge of the domicile of said heir, after his acceptance of the inheritance."

Of Incapacity to Succeed.

3326. "An heir of full age who, knowing of the violent death of the person leaving the succession, fails to denounce it to the judges within the term of one month, when preceedings in the matter have not been instituted by the State, is also unworthy of succeeding. If the homicides are ascendants or descendants, the husband of wife, or brothers or sisters of the heir, the latter's obligation to make the denunciation ceases."

TITLE II. OF THE ACCEPTANCE AND REPUDIATION OF THE INHERITANCE.

3368. "A married woman cannot accept or repudiate the inheritance except with the permission of her husband, and in default thereof, that of the judge. In any case she cannot accept without the benefit of inventory."

3377. "The heir who has accepted the inheritance is bound, with respect to his coheirs as well as the creditors and legatees, to the payment of the debts and charges of the inheritance, not only with the hereditary property, but also with his own property."

3378. "Upon the acceptance of the inheritance, the ownership thereof becomes vested in the person of the acceptor, from the date of the opening of the succession."

3382. "The heir may accept the inheritance at any time before its acceptance by the other heirs or by those called to the succession, without prejudice to the rights which third persons have acquired in the property of the succession, either by prescription, or by valid acts, entered into with the curator of a vacant inheritance; but he cannot accept it when it has already been accepted by the coheirs, or by those called to the succession, whether their acceptance be pure and simple or with the benefit of inventory, and whether subsequent or prior to the renunciation."

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3387. "The heir making the renunciation shall be considered as never having been an heir; and the succession is offered as if the renouncing heir had never existed."

TITLE III. OF THE ACCEPTANCE OF THE INHERITANCE WITH THE BENEFIT OF INVENTORY.

3397. "Acceptance under the benefit of inventory is not presumed: it must be express. An heir who desires to accept an inheritance under the benefit of inventory, must so state within a term of ten days, before the judge having jurisdiction of the succession. And other declaration has no effect whatsoever, even though it be contained in an authentic act."

3398. "Even when the succession falls to a minor or incapacitated person, the tutor or curator must make the declaration referred to in the preceding article, and if he fails to do so, he must compensate the creditors of the succession for any damages which his omission has caused them."

3399. "The heir does not lose the right to ownership of the inheritance by his acceptance under the benfit of inventory. He preserves all the rights of the heir; he is subject to all the obligations which the quality of heir imposes upon him, and transmits to his universal successors the inheritance he has received, with the rights and obligations of his acceptance under the benefit of inventory."

3400. "An heir has three months from the date of the opening of the succession, or from the time he knew that the succession had been offered to him, to make the inventory, and thirty days to deliberate over the acceptance or repudiation of the inheritance. The latter term runs from the date of the expiration of the three months allowed for making the inventory; and if the inventory is concluded before the expiration of the three months, from the date of its conclusion."

3404. "The inventory must be made before a notary and two witnesses, with the citation of the legatees and creditors who have appeared."

CHAPTER I.

Of the Rights and Duties of the Beneficiary Heir.

3405. "An heir who accepts the inheritance under the benefit of inventory, is bound for the debts and charges of the succession only to the extent of the value of the property he has received from the inheritance. His patrimony is not confounded with that of the deceased, and he may claim as any other creditor the credits he has against the succession."

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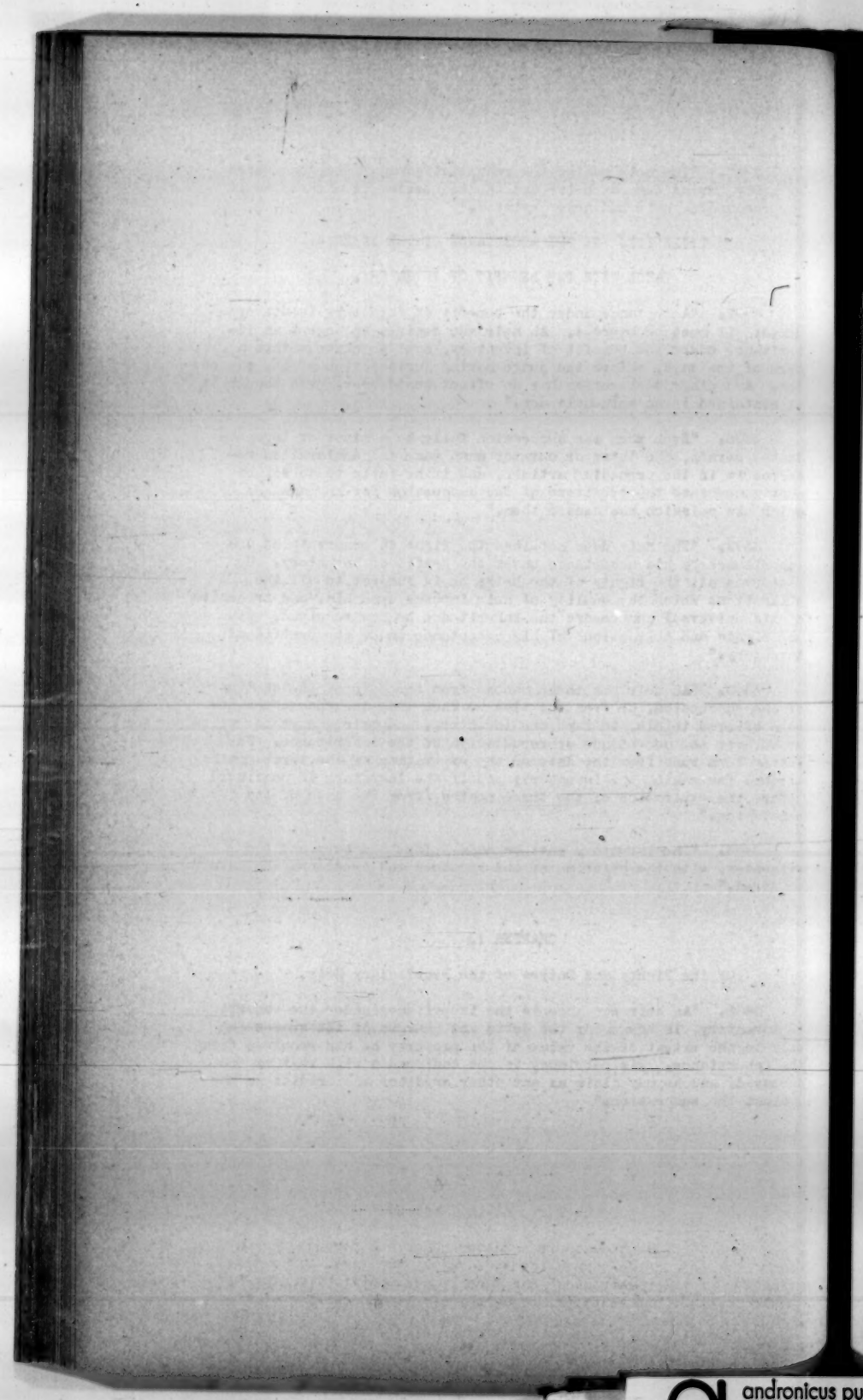

3406. "He is not bound with the property which the person leaving the succession gave him during his lifetime, even when he is required to collate it among his coheirs, nor with the property which the deceased gave during his lifetime to his coheirs and which he has the right to have collated."

3407. "The acceptance of an inheritance with the benefit of inventory prevents the extinction by confusion of the rights of the heir against the succession; and vice versa, of the rights of the succession against the heir. The latter preserves, as a third person, all his personal and real rights against the succession, and the succession, and the succession preserves against him all its personal and real rights."

CHAPTER IV.

Of the Termination of the Benefit of Inventory.

3439. "The benefit of inventory terminates also if the heir conceals anything of value belonging to the succession, or if he fraudulently omits from the inventory some things belonging to the inheritance."

3440. "An heir loses the benefit of inventory when he sells the immovable property of the succession without observing the provisions prescribed. With regard to the movables, the judges shall decide in their discretion whether the alienation thereof was or was not an act of good administration."

3442. "Upon the termination of the benefit of inventory the heir is considered as a pure and simple heir since the oponing of the succession."

TITLE IV. OF THE RIGHTS AND OBLIGATIONS OF THE HEIR.

CHAPTER I.

Rights of the Heir.

3444. "When the succession lies between ascendants and descendants, the heir enters into the possession of the inheritance the day of the death of the person leaving the succession, without any formality or the intervention of the judges, even when he is unaware of the opening of the succession and his call to the inheritance."

3446. "The other relatives called to the succession by the law, the spouses, the natural children and parents, cannot take possession of the inheritance without demanding it of the judges and establishing their right to the succession."

TITLE VI. OF THE DIVISION OF THE INHERITANCE.

CHAPTER I.

Of the State of Indivision.

3486. "The heirs, their creditors, and all persons who have some interest in the succession declared by the laws, may at any time demand the partition of the inheritance, notwithstanding any prohibition of the testator, or agreements to the contrary."

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3487. "Even when a part of the hereditary property is not susceptible of immediate division, an action for the partition of that which can be divided at the time may be brought."

3488. "Tutors or curators interested in the succession, parents for their children, the husband for his wife and the wife herself with authorization from the husband or the judge, may demand a partition and agree to that demanded by others."

3490. "A curator shall be appointed for emancipated minors, either to bring an action for partition, or to make answer to that brought against them."

CHAPTER II.

Of the Different Modes in Which the Partition of the Inheritance May be Made.

3499. "Partitions must be judicial:

1. "When minors, even though emancipated, or incapacitated persons are interested therein; or absentees whose existence is uncertain."

2. "When third persons, basing their action on a juridical interest, object to a private partition."

3. "When the heirs of full age who are present do not agree to a private division."

CHAPTER III.

Of Collation.

3511. "The ascendants and descendants, whether legitimate or natural, who have accepted the inheritance with or without the benefit of inventory, must add to the hereditary mass all things of value given by the deceased during his lifetime."

3514. "The costs of support, medical attendance, no matter how extraordinary they are, and education; the expenses incurred by parents in providing tuition for their children, or to prepare them to practice some profession or engage in some trade, or customary presents, or the payment of debts of ascendants or descendants, or of movable objects constituting gifts of an ordinary character or as a mark of friendship, are not subject to collation."

3515. "Parents are not obliged to collate to the inheritance of their ascendants what they have donated to one of their children; nor the husband or wife, what has been donated to his or her spouse by the father or mother-in-law, even though the donor expressly stipulates the contrary."

3516. "When the grandchildren succeed the grandfather in representation of the father, participating with their uncles and cousins, they must bring to collation everything which the father, if living, would have been compelled to collate, even though they have not inherited it."

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CHAPTER IV.

Of the Division of Active and Passive Credits.

3524. "If the creditors have not been paid, for any reason whatsoever, before the delivery to the heirs of their hereditary portions, the debts of the deceased shall be divided into as many separate fractions as there are heirs, in proportion to the share of each, whether the partition has been made per capita or per stirpes, and whether the heir be a beneficiary heir or an heir without the benefit of inventory."

3526. "If a judgment is rendered against a number of universal successors as such jointly, judgment shall be considered to have been rendered against each of them only in proportion to his hereditary share."

CHAPTER VI.

Of the Division Made by the Father or

Mother and Other Ascendants, Among Their Descendants.

3548. "The father, mother, and other ascendants may, by a donation inter vivos or by testament, make an anticipated division of their own property among their children and descendants, and also, by special acts, of the property which the descendants may obtain from other successions."

3549. "Ascendants who appoint tutors to their minor descendants, may authorize them to make the inventories, appraisals and partitions of their property extrajudicially, presenting them afterwards to the judges for their approval."

3560. "The partition by the ascendant among his descendants cannot take place when the conjugal partnership actually exists or continues with the living spouse or his or her heirs."

3561. "In the apparent absence of any acquets and gains in the marriage, the partition by testament must include not only the legitimate and natural children, or their descendants, if there are none of the former, but also the surviving spouse."

3566. "A partition by testament charges the heirs with all the obligations of the testator."

3567. "A partition by testament produces the same effects as an ordinary partition. The heirs are mutually bound to each other to guarantee the portions received by them."

TITLE VIII. OF INTESTATE SUCCESSIONS.

3579. "Intestate successions belong to the legitimate and natural descendants of the deceased, to his legitimate and natural ascendants, to the surviving spouse, and to the relatives within the sixth degree inclusive, in the order and according to the rules established in this Code. If there are no legitimate successors, the property escheats to the general or provincial State."

CHAPTER I.

Of the Right of Representation.

3583. "Representation is the right whereby the children in an ulterior degree are placed in the degree which their father or

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mother held in the family of the deceased, in order to succeed jointly in his or her place to the same share of the inheritance to which the father or the mother would have succeeded."

3594. "Representation takes place in the collateral line only in favor of the children and descendants of brothers or sisters, whether of the same father and mother or on one side only, for the division of the inheritance of the ascendant with the other coheirs standing in a nearer degree."

3595. "When children or descendants of two or more brothers or sisters of the deceased are left, they inherit from the latter by representation, whether they are alone and in equality of degrees, or whether they participate with their uncles or aunts.

TITLE IX. OF THE ORDER IN INTESTATE SUCCESSIONS.

CHAPTER I.

Succession of Legitimate Descendants.

3599. "The legitimate children of the person leaving the succession, whether of one or more marriages, inherit from him in their own right and share and share alike, without affecting thereby the rights given in this Title to natural children and to the surviving widow or widower."

3600. "The grandchildren and other descendants inherit from ascendants by right of representation, in accordance with the provisions contained in the Title Of Intestate Succession, Chap. I."

CHAPTER II.

Succession of Ascendants.

3601. "When there are no legitimate children and descendants, the ascendants inherit, without prejudice to the rights declared in this Title in favor of natural children and descendants and the surviving spouse."

3602. "If both the father and mother of the deceased are living, they inherit from him share and share alike. If one of them only is living, he or she inherits the entire estate, without prejudice to the modification contained in the preceding article."

3603. "In default of the father and mother of the deceased, his ascendants nearest in degree inherit from him share and share alike, even though they be of different lines."

CHAPTER III.

Succession of the Spouses.

3604. "If a widower or widow and legitimate children are left, the surviving spouse has in the succession the same share as that of each of the children."

3605. "If ascendants and a widow or widower are left, the latter shall participate with the ascendants in the division of the succession per capita, without prejudice to the rights of the natural child."

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3606. "If neither descendants nor ascendants are left, the spouses inherit from each other reciprocally, excluding all the collateral relatives, without prejudice to the rights of the natural children."

3607. "The succession offered to the widower or widow in the three preceding articles shall not take place when one of the spouses, having been ill at the time of the celebration of the marriage, dies of said illness within thirty days thereafter."

3608. "If divorced by the decree of a judge of competent jurisdiction, the spouse who gave cause for the divorce does not have any of the rights declared in the preceding articles."

3609. "The succession of the spouses inter se ceases also, if they are actually living apart without the intention of reuniting, or if they have been provisionally separated by a judge of competent jurisdiction."

3610. "In all cases in which the widower or the widow is called to the succession in participation with descendants or ascendants, he or she shall not have any share in the division of the property belonging to the predeceased spouse as acquets and gains of the marriage with said widower or widow."

CHAPTER IV.

Of the Succession of Natural Children.

3611. "If the deceased leaves no legitimate descendants or ascendants, nor widow nor widower, his legally acknowledged natural children inherit from him, whether born of the same mother or of the same father, or of the same mother and of different fathers, or of the same father and of different mothers."

3612. "If a widower or widow only is left, the natural children shall divide the inheritance share and share alike, the widower or widow taking one-half thereof, if the property does not consist of acquets and gains of the marriage, and the natural child or children the other half."

3613. "If legitimate descendants are left, the share of the natural children shall always be one-fourth that of the legitimate child. In order to obtain this share it shall be assumed that there are four times the number of legitimate children, and thereto shall be added the number of natural children, and then as many equal parts shall be made as there are fictitious children: each natural child shall take one part, and each legitimate child four parts."

3614. "If legitimate ascendants are left, the natural children shall divide the inheritance with them, taking one-half, whatever be the number of the ascendants or of the natural children."

3615. "If legitimate ascendants are left, and a widow or widower, the ascendants shall take one-half of the inheritance for division among them by persons, and the other half shall be divided between the widow or widower and the natural children; in such manner that the widow or widower shall have one-fourth of the seccession, and the natural child or children the other fourth."

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3616. "A natural child never inherits from the natural grandparents nor from the legitimate children and relatives of the father or mother who acknowledged him; nor do the natural grandparents, nor the legitimate children and relatives of his father or mother, inherit from the natural child."

3617. "The hereditary rights of a natural child are transmitted upon his death to his descendants by right of representation."

CHAPTER V

Of the Succession of Natural Parents.

3618. "If the natural child dies without leaving any legitimate or natural posterity, he is succeeded by the father or mother who has acknowledged him; and if both have acknowledged him and are living, they shall inherit from him share and share alike."

CHAPTER VI.

Succession of Collateral Relatives.

3619. "If there are neither descendants nor ascendants, nor a widower or widow, nor natural children, the collateral relatives of the deceased nearest in degree to the sixth inclusive, inherit from him, without prejudice to the right of representation of the nephews and nieces to participate with the uncles and aunts. Those in the same degree inherit share and share alike."

3620. "The brother or sister of the father of mother excludes in the succession of the deceased brother or sister, a half brother or sister or a brother or sister on the father's or mother's side only."

3621. "When the deceased leaves no full brothers or sisters nor children of the latter, but only half brothers or sisters, the latter succeed in the same manner as brothers or sisters on both sides, and their children succeed to the deceased brother or sister."

CHAPTER VII.

Succession of the Fisc.

3622. "In default of persons entitled to inherit in accordance with the foregoing provisions, the property of the deceased, whether real or personal, situated within the territory of the Republic, whether a foreigner or an Argentine citizen, shall escheat to the Fisc, either National or Provincial, according to the laws in force in this regard."

CHAPTER VIII.

Succession of Reserved Property.

3624. "If at the time of the death of the father or mother who has contracted a second marriage, there are neither children nor legitimate descendants of the first marriage, although there are heirs, the latter have no right to succeed to the reserved property."

TITLE X. OF THE LEGAL PORTION OF FORCED HEIRS.

3625. "The legitime of forced heirs is a right of succession limited to a specified portion of the inheritance. The capacity of the testator to make his testamentary dispositions with respect to his patrimony, extends only to the amount above the legal portion which the law assigns to his heirs."

3627. "The legal portion of legitimate children is four-fifths of all the property existing at the time of the death of the testator and of that which is to be collated to the mass of the inheritance; the provisions of articles 3604 (3570) and 3613 (3579) being observed in the distribution thereof."

3628. "The legitime of the ascendants is two-thirds of the property of the succession, the provisions of articles 3605 (3571) and 3614 (3580) being observed in the distribution thereof."

3629. "The legitime of the spouses, when there are neither descendants nor ascendants of the deceased, is one-half of the property of the succession of the deceased spouse, even when the property of the succession consist of acquets and gains."

3630. "If the testator leaves neither legitimate descendants or ascendants, nor a widower or widow, the legitime of his natural children is one-half of the property remaining at his death."

3631. "The legitime of the natural parents who have acknowledged the natural child, when such child leaves neither legitimate descendants nor a surviving spouse, nor natural children, is one-half of the property left by the natural child. If legitimate or natural children legally acknowledged are left, the natural father is not entitled to any legitime whatsoever. If only a widow or widower survives, the legitime of the natural father is one-fourth of the succession."

TITLE XI. OF TESTAMENTARY SUCCESSION.

3640. "Every person legally capable of having a will and of manifesting it, has the power to dispose of his property by testament, in accordance with the provisions of this Code, whether under the title of institution of heirs, or of legacies, or under any other name adequate to express his will."

3645. "The law of the actual domicile of the testator, at the time of making his testament, is that which governs his capacity or incapacity to make it."

3648. "Persons of either sex under eighteen years of age cannot make a testament."

3651. "Deaf mutes unable to read and write cannot make a testament."

TITLE XII. OF THE FORMS OF TESTAMENTS.

3665. "A testament made with the formalities prescribed by law is valid throughout the life of the testator, no matter what time has elapsed since it was made. As long as it has not been revoked, the presumption is that the testator entertains the same will."

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CHAPTER II.

Of Testaments by Public Acts.

3698. "The notary public and the witnesses to a testament made by public act, their wives, and relatives or connections within the fourth degree, cannot benefit from the dispositions it contains in their favor."

CHAPTER III.

Of Sealed Testaments.

3699. "A person unable to read cannot make a sealed testament."

3702. "A person who knows how to write, although unable to speak, may execute a sealed testament. The testament must be written and signed by him, and he shall make the presentation thereof to the notary public and the witnesses by writing on the wrapper that it contains his testament; and the provisions relating to testaments of this class shall be observed in all other particulars."

3703. "A deaf person may execute a sealed testament."

TITLE XIII. OF WITNESSES TO TESTAMENTS.

3739. "The witnesses to a testament must be males of full age."

3742. "Neither the blind, the deaf, nor the dumb can be witnesses to testaments."

3743. "Persons who are deprived of their reason from any cause whatsoever cannot be witnesses. Insane persons cannot be witnesses, even during their lucid intervals."

TITLE XV. OF THE CAPACITY TO RECEIVE BY TESTAMENT.

3767. "All persons who, having been conceived at the time of the death of the testator, are not declared by the law to be incapable or unworthy, can acquire by testament."

3775. "All dispositions in favor of an incapacitated person are void, whether disguised under the form of an onerous contract, or made in the name of interposed persons. The father and the mother, the children and descendants, and the spouse of the incapable person, are considered interposed persons. Evasion of the law may be proved by evidence of any kind."

3776. "The interposed persons to which the preceding article relates must return the fruits collected from the property since they entered into the possession thereof."

TITLE XVI. OF DISINHERISON.

3781. "Ascendants may disinherit their legitimate or natural descendants for the following causes:

1. On account of assault, as when the child put his hands on his ascendant. A mere threat is insufficient."

2. "If the descendant has made an attempt upon the life of the ascendant."

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3. "If the descendant has brought a criminal accusation against the ascendant charging him with the commission of a crime to which is affixed a penalty of five years' imprisonment or forced labor."

3782. "A descendant may disinherit his ascendant for the last two causes of the preceding article."

3783. "The descendants of the person disinherited who survive the testator, occupy his place, and are entitled to the legitime which their ascendant would have received had he not been disinherited, and the ascendant shall not be entitled to the usufruct and administration of the property which his descendants inherit on this account."

3784. "A subsequent reconciliation between the offender and the aggrieved party deprives him of the right to disinherit the offender and revokes the disinherison already made."

TITLE XVII. OF LEAGACIES (LEGADOS).

3787. "The legacy of a thing held in common with another is valid only as to the share of which the testator is the owner, with the exception of a case in which the husband bequeaths or devises something which belongs as acquets and gains to the husband and wife. The part of the wife shall be set aside in the account of the division of the partnership."

3824. "A legacy of support comprises the tuition corresponding to the social position of the legatee, board, clothing, lodging and medical attendance during illness up to the age of eighteen years, if not unable to support himself. If unable to do so, the legacy shall last during the lifetime of the legatee."

TITLE XIX. OF THE REVOCATION OF TESTAMENTS

AND LEGACIES.

3860. "A testament made by a person not married at the time, is revoked as soon as he or she contracts marriage."

TITLE XX. OF EXECUTORS.

3881. "A married woman may be an executrix with the leave of her husband or of the judge; but judges cannot authorize her to discharge the executorship against the will of her husband."

SECTION II. CONCURRENCE OF REAL AND PER-

SONAL RIGHTS AGAINST THE ESTATE OF A

COMMON DEBTOR.

TITLE I. OF THE PREFERENCE OF CREDITS.

CHAPTER I.

Division of Privileges.

3914. "Credits privileged on all movables in general, are the following:

1. The funeral charges, in proportion to the standing and means of the debtor. These comprise the expenditures rendered necessary on

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the occasion of the death and the interment of the debtor and the customary religious services; the funeral expenses of the children who lived with him and the mourning expenses of the widow and children, when they have no property of their own from which to meet them."

2. "The expenses of the last illness during six months."

3. "The wages of servants and employees for six months, and the wages of day laborers for three months."

4. "The support furnished the debtor and his family during the last six months."

"The periods mentioned in the preceding subdivisions are those next preceding the death, or the attachment of the movable property of the debtor."

5. "Credits in favor of the Public Treasury or of the Municipalities, on account of public taxes."

SECTION III. OF THE ACQUISITION AND LOSS OF REAL AND PERSONAL RIGHTS BY THE LAPSE OF TIME.

TITLE I. OF PRESCRIPTION OF THINGS AND OF ACTIONS IN GENERAL.

CHAPTER I.

Of the Suspension of Prescription.

4004. "Prescription is likewise suspended during the marriage, when the action of the wife might react against the husband, either by an action upon warranty, or by exposing him to suits, or to the payment of damages."

4005. "With the exception of the cases of the preceding articles, prescription runs against a married woman not only as to the property the administration of which she has reserved, but also with respect to the property which has passed to the administration of her husband."

4006. "Prescription does not run against the heir who has accepted the inheritance with the benefit of inventory, with respect to his credits against the succession."

TITLE II. OF THE PRESCRIPTION OF — ACTIONS IN PARTICULAR.

4061. "The obligation to pay arrears prescribes after five years when the following are involved:

1. Allowances for support."

2. "Rentals, whether of rural or urban estates."

3. "Anything payable yearly, or at shorter periodical intervals."

4065. "An action for the annulment of obligations contracted by married women without proper authorization, or by minors and persons

under curatorship, prescribes also after two years. The time of prescription begins to run in the former cases from the date of the dissolution of the marriage, and in the latter cases, from the date they attained their majority or were discharged from the curatorship."

4076. "The action of the husband against the legitimacy of the child conceived or borne by his wife during the marriage, prescribes after two months."

SUPPLEMENTARY TITLE. OF THE APPLICATION OF

THE CIVIL LAWS.

4082. "The guarantees given by the laws in force before the publication of the Code to married women for the security of their dowries or other property delivered to their husbands, to minors or incapacitated persons in the property of their tutors and curators, to children in the property of their parents, and the charges imposed upon the administrators of State funds, are governed by the new laws, excepting any pledges or express mortgages constituted, which shall be governed by the laws in force at the time of their constitution."

4084. "Adoptions and the rights of the children adopted, even though there are no adoptions under the new laws, are governed by the laws in force at the time the juridical acts were executed."

LAW OF THE CIVIL REGISTRY.

APPENDIX.

Law of the Civil Registry of the Capital of the Argentine

Republic And National Territories, Sanctioned

OCTOBER 31, 1884.

CHAPTER IV.

Of Births.

36. "In the case of legitimate children the father, and in his absence or default the mother, and in her default the nearest relative at the place, shall be obliged personally or through another person to make the report of the birth in the office of the registry."

43. "If natural children are involved, no mention shall be made of the father or mother, unless the latter or the former acknowledge it before the head of the office, in which case there shall be stated solely the name of the father or mother who acknowledges it."

44. "In no case can the name of the father or mother be recorded when the filiation with respect to said father and mother has the vice of being adulterine, incestuous or sacrilegious."

CHAPTER V.

Of Marriages.

55. "Within eight days following the celebration of a marriage, the husband is obliged to present for record in the registry a copy of the certificate establishing the act, signed by the parish priest, pastor or minister of the religion, according to the rites of which it had been celebrated."

56. "In the event of the death of the husband or the marriage having been celebrated in articulo mortis, with relation to him, the obligation to request the record rests on the wife."

58. "The term for the record of marriages celebrated without the capital and national territories shall run from the day following that on which the spouse obliged to apply for the record returns to his or her domicile, or following that on which he or she elects a new domicile within the jurisdictions referred to."

62. "The records of judgments of nullity or divorce shall be made in the same form, with the additional entry of marginal notes of reference opposite the record of the marriage annulled as well as opposite the record of the birth of their children."

CHAPTER VI.

Of Deaths.

64. "The surviving spouse, the descendants of the deceased, the ascendants, the nearest relative, and in default of any of these, any person of full age present at the death of a person, are obliged, in the order of their enumeration, their sex and their age, to report the death to the head of the office of the registry personally or through another, within twenty-four hours after the occurrence of the death."

CIVIL CODE

OF

JAPAN.

VOL. I.

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CIVIL CODE OF JAPAN.

BOOK I.

GENERAL PROVISIONS.

CHAPTER I.

PERSONS.

SECTION 2.

CAPACITY.

Article 3.--"Majority is fixed at full twenty years."

Article 7.--"With regard to a person who is in an habitual state of unsound mind the Court may, in accordance with the application of such person himself (or herself) of his wife (or her husband), of a relative within the fourth degree, of the head of his (or her) house, of his (or her) guardian or curator, or of a public procurator, adjudge such person incompetent (interdict)."

Article 14.--"A wife must have permission to do any of the acts mentioned below:--

1.--To do acts mentioned in Nos. 1-6 of Paragraph 1 of Art. 12."

2.--"To accept or refuse a donation (gift) or legacy."

3.--"To make a contract putting her under any corporal restraint."

"Any acts contrary to the provisions of the preceding paragraph may be annulled."

Art. 15.--"A wife authorized to carry on one or several businesses has the same capacity as a person of full competency (as a person sui juris) in respect to such businesses."

Article 17.--"A wife need not have the permission of her husband in any of the following cases:--

1. When it is not certain whether the husband is alive or dead;

2. When the husband has deserted the wife;

3. When the husband is an incompetent (interdicted) person or a quasi incompetent (demi interdicted) person;

4. When the husband is confined in a hospital or private house on account of lunacy;

5. When the husband has been sentenced to a penalty of imprisonment for one year or a severer penalty and is undergoing such penalty;

6. "When the interests of the wife and the husband conflict."

Article 18.--"When the husband is a minor, he cannot give permission for the acts of his wife except in accordance with the provisions of Art. 4."

Article 19.--"The other party to an incompetent person may, after such incompetent person has become competent notify him to give a

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definite answer, within a period of not less than one month, as to whether he (the latter) will or will not ratify acts which can be annulled. If such incompetent person does not give a definite answer within the period fixed the acts are regarded as ratified."

"The same applies when the notification on the preceding paragraph is given to the husband or legal representative of an incompetent person while the latter still continues incompetent, and no definite answer is given within the period fixed; but such notification can be made to a legal representative only with regard to acts within the scope of his authority."

"With regard to an act which requires special formalities, if no notification is issued within the said period that such formalities have been complies with, the act is regarded as annulled."

"With regard to a quasi-incompetent person, or to a wife, a notification may be given to ratify his or her act within the period of the first paragraph with the consent of the curator of the permission of the husband. If the quasi-incompetent person or the wife does not issue a notification within the period fixed that such consent or permission has been obtained, the act is regarded as annulled."

CHAPTER IV.

JURISTIC (LEGAL) ACTS.

SECTION 4.

VOID AND VOIDABLE ACTS.

Article 120.--"A voidable act can be avoided only by incapacitated persons who have made a defective expression of intention, or their representatives or successors."

"An act done by a wife can also be annulled by her husband."

Article 122.--"A voidable act is deemed to be valid ab initio when it is ratified by any of the persons specified in Art. 120; but the rights of other (third) persons may not be injured thereby."

CHAPTER VI.

PRESCRIPTION.

SECTION I.

GENERAL PROVISIONS.

Article 159.--"With regard to the rights of an incapacitated person against his father, mother, or guardian, who manages his property, prescription is not completed until the expiration of six months after the person becomes a person of full capacity or the subsequently appointed legal representative enters upon his duties."

"The same applies until the expiration of six months calculated from the dissolution of the marriage with regard to the rights of the wife against her husband."

SECTION 3.

EXTINCTIVE PRESCRIPTION.

Article 170.--"The obligations mentioned below are extinguished if not exercised for three years."

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1. "Obligations relating to physicians, mid-wives, and pharmacists (apothecaries) for attendance (treatment), services, and medicines."

2. "Obligations relating to the work of technical experts (engineers, architects, etc.), carpenters, and contractors; but in this case prescription commences to run when the works they have undertaken are finished."

CHAPTER VIII.

OF PREFERENTIAL RIGHTS.

SECTION 2.

OF THE CLASSES OF PREFERENTIAL RIGHTS.

SUB-SECTION I.

OF GENERAL PREFERENTIAL RIGHTS.

Article 310.--"The preferential right for the supply of daily necessaries exists with regard to articles of food and drink, wood and charcoal, and oil and petroleum supplied for the last six months and necessary for the subsistence of the debtor, the relatives who live with him and whom he is bound to support and the members of his household, as well as for the subsistence of his men-servants and maid-servants."

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CHAPTER V.

UNLAWFUL ACTS OF "TORTS" (DELICTA).

Article 711.--"A person who has injured the life (caused the death) of another must make compensation for damage to the father, mother, spouse (husband or wife), and children of the sufferer (person killed) even when the property rights of the latter have not been violated."

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BOOK IV.

BOOK OF RELATIVES.

CHAPTER I.

GENERAL PROVISIONS.

Article 725.--"The persons mentioned below are deemed to be relatives:--

1. Blood-relations within the sixth degree of relationship;

2. Spouses;

3. "Relatives by affinity within the third degree of relationship."

Article 726.--"The degree of relationship is determined by reckoning the number of generations between relatives."

"The degree of relationship between collateral relatives is determined by the number of generations as ascending from one of them, or his or her spouse, to the common ancestor, and then descending to the other from such ancestor."

Article 727.--"The same relationship as between blood-relatives arises between an adopted child and the adoptive parents and the latter's blood-relations from the day of the adoption."

Article 728.--"The same relationship as between parent and child arises between a step-father or mother and a step-child and between a chakubo and a shoshi."

Article 729.--"Relationship by affinity and the relationship mentioned in the preceding Article is terminated by divorce."

"The same applies if after the death of either the husband or the wife the surviving spouse has left the house."

Article 730.--"The relationship between an adopted child on the one hand and the adoptive parent and his blood-relations on the other ceases upon dissolution of adoption."

"If the adoptive parent has left the adoptive house, the relationship thereby ceases between such person and his blood-relations on the side of his or her original house on the one hand and the adopted child on the other."

"If the spouse of an adopted child or the latter's lineal descendants or their spouses have left the adoptive house together with the adopted child, owing to the dissolution of the adoption, the relationship thereby ceases between such persons on the one hand and the adoptive parents and the latter's blood-relations on the other."

CHAPTER II.

OF THE HEAD AND THE MEMBERS OF A HOUSE.

SECTION I.

GENERAL PROVISIONS.

Article 732.--"Those who are relatives of the head of a house and are in his house, and their spouses, are the members of the house."

"In case the head of a house is changed, the former head of the house and the members of his house are members of the house of the new head."

Article 733.--"A child enters the father's house."

"A child whose father is unknown enters the mother's house."

"A child whose parents are both unknown establishes a new house."

Article 734.--"If the father has left the house by divorce or dissolution of adoption previous to the birth of the child, the provisions of Paragraph 1 of the preceding Article apply retroactively to the commencement of the pregnancy."

"The provisions of the preceding Paragraph do not apply when both the father and mother have left the house together, except when the mother has returned there previous to the birth of the child."

Article 735.--"A shoshi, or an illegitimate child, of a member of a house cannot enter the house except with the consent of its head."

"If a shoshi cannot enter the house of his father, he enters the house of the mother."

"If an illegitimate child cannot enter the house of the mother, he establishes a new house."

Article 736.--"When the female head of a house has been married to a nyufu, the husband becomes the head of the house except, at the time of the marriage, the parties concerned have expressed a contrary intention."

Article 737.--"A relative of the head of a house who is in another house may, with the consent of the head of the former house, become a member of his house. But if the person is a member of the other house, the consent of the head of that house must be obtained."

Article 738.--"If a person who has entered another house by marriage or adoption wishes to make one of his or her own relatives, who is not a relative of his or her spouse or adoptive parents, a member of the house into which he or she has been married or adopted, the provisions of the preceding Article must be followed, and, in addition, the consent of his or her spouse or adoptive parents must be obtained."

"The same applies if a person who has left the house into which he or she has been married or adopted wishes to make a lineal descendant of his or hers who is in that house a member of his or her own house."

Article 739.--"A person who has entered another house by marriage or adoption returns to his or her original house in case of divorce or dissolution of adoption."

Article 740.--"When a person who ought to return to the original house in accordance with the provisions of the preceding Article cannot do so because of the abolition or extinction of the original house, he or she establishes a house but is not prevented from re-establishing the original house."

Article 741.--"If a person who has entered another house by marriage or adoption wishes to enter yet another house by marriage or adoption, the consent is required of the head of the house into which he or she has been married or adopted and of the head of his or her original house."

"In the case of the preceding Paragraph, the head of a house who has not given his consent may, within one year from the day of the marriage or the adoption, forbid his or her return to the house."

Article 742.--"A member of a house who has been excluded from his house establishes a new house. The same applies when a person to whom return to his original house has been refused subsequent to his or her entry into another house has left that (the latter) house by reason of divorce or dissolution of adoption."

Article 743.--"A member of a house may, with the consent of the head of his house, succeed to the headship of another house, establish a branch house or re-establish a principal house, a branch house, a co-ordinate house or the house of a relative which is abolished or extinct; but a minor must have the consent of the father or mother who exercises the parental power, or that of the guardian."

"In case a member of a house establishes a branch house, his lineal descendants may be made members of the branch house with the consent of the head of the house. (This paragraph has been added by Law No. 37, promulgated 4th April, 1902.)"

"In the case of the preceding Paragraph, if there is a lineal descendant of fifteen years of age or upwards, his consent must be obtained. (Same Law as above.)"

Article 745.--"If a husband enters another house or establishes a new house his wife follows him into such house."

SECTION 2.

OF THE RIGHTS AND DUTIES OF THE

HEAD AND MEMBERS OF A HOUSE.

Article 746.--"The head and the members of a house bear the family surname."

Article 748.--"The property acquired by a member of a house in his or her own name forms his or her own separate property."

"Property in regard to which it is uncertain whether it belongs to the head or to a member of a house, is presumed to belong to the head of the house."

Article 750.--"A member of a house cannot be a party to a marriage or an adoption without the consent of the head of the house."

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"In case a member of a house has adopted another person, and has then been excluded from the house in accordance with the provisions of the preceding Paragraph, the adopted person follows the adoptive parent into his or her house."

SECTION 3.

OF THE LOSS OF THE HEADSHIP OF A HOUSE.

Article 755.--"The female head of a house may resign from the headship of the house irrespective of her age."

"A married female head of a house must obtain the consent of her husband for resigning from the headship of the house. But the husband may not refuse his consent unless for a just reason."

Article 756.--"An incapacitated person need not have the consent of his or her legal representative for resigning from the headship of a house."

Article 758.--"The relatives of a person who has resigned from the headship of a house, or a public procurator, may, within three months from the day when the resignation has been notified, make an application to a Court for the annulment of a resignation from the headship of the house effected contrary to the provisions of Arts. 752 or 753."

"When the female head of a house has resigned from its headship contrary to the provisions of Paragraph 2 of Art. 755, the husband may apply to a Court for its annulment within the period of time mentioned in the preceding Paragraph."

Article 761.--"The loss of the rights of the head of a house by reason of resignation from the headship of the house or the marriage of the female head of the house to a nyufu may not be set up against the creditors and debtors of the last head of the house unless it is notified to those creditors and debtors by the last head of the house or the successor to the house."

Article 764.--"A house which has lost its head and has no heir is regarded as extinct, and the members of the house each establish a house. But the child follows the father or follows the mother, if the father is unknown or is in another house or is dead, and enters his or her house."

CHAPTER III.

OF MARRIAGE.

SECTION. I.

OF THE FORMATION OF A MARRIAGE.

SUB-SECTION I.

OF THE REQUISITES OF A MARRIAGE.

Article 765.--"A man cannot marry before he has attained full seventeen years, and a woman before she has attained full fifteen years."

Article 766.--"A person who has a spouse cannot contract another marriage."

Article 767.--"A woman may not re-marry until six months have elapsed from the day when her former marriage has been dissolved or annulled."

"In case a woman has been pregnant previous to the dissolution or annulment of her former marriage, the provisions of the preceding Paragraph do not apply from the day of her delivery."

Article 768.--"A person who has been divorced or sentenced to a criminal penalty for adultery cannot be married to the other party to the adultery."

Article 769.--"No marriage may be effected between lineal relatives or between collateral relatives within the third degree of relationship. This does not apply, however, between an adopted child and one of his or her collateral relatives on the side of the adoptive house."

Article 770.--"No marriage can be effected between lineal relatives by affinity. The same applies when relationship by affinity has ceased in accordance with the provision of Art. 729."

Article 771.--"No marriage can be effected between an adopted child, his or her spouse, his or her lineal descendants or their spouses on the one hand, and the adoptive parents or their lineal ascendants on the other even after the relationship has ceased in accordance with the provisions of Art. 730."

Article 772.--"In order to get married a child must obtain the consent of the father and mother belonging to the same house. This does not apply, however, when a man has attained full thirty years and a woman full twenty-five years."

"When either the father or the mother is unknown, or is dead, or has left the house, or is unable to express his or her intention, the consent of the other parent only is sufficient."

"If both the father and mother are unknown, or are dead, or have left the house, or are unable to express their intention, a minor must obtain the consent of his or her guardian and of the family council."

Article 773.--"When a step parent or a chakubo refuses consent to the marriage of a child, the latter may be married with the consent of the family council."

Article 775.--"Marriage takes effect when it is notified to the registrar."

"The notification of the preceding Paragraph must be given either orally or by a document signed by both the parties concerned and at least two witnesses of full age."

Article 777.--"When two Japanese resident in a foreign country desire to be married, the notification may be made to the Japanese Minister or Consul residing in that country. In this case the provisions of the preceding two Articles apply correspondingly."

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SUB-SECTION 2.

OF THE INVALIDITY AND ANNULMENT OF

A MARRIAGE.

Article 778.--"A marriage is invalid only in the following cases:--

1. When there is no intention of getting married between the parties concerned owing to mistaken identity or other reason;

2. "When the parties concerned have not notified the marriage. But when the notification is merely defective in the condition mentioned in Paragraph 2 of Art. 775, it does not affect the validity of the marriage."

Article 780.--"With regard to a marriage contrary to the provisions of Arts. 765 to 771, each party concerned, the head of his or her house, his or her relatives or a public procurator may apply to a Court for its annulment; but a public procurator may not do so when one of the parties concerned is dead."

"With regard to a marriage contrary to the provisions of Arts. 766 to 768, the spouse or the former spouse of the party concerned may demand annulment."

Article 781.--"With regard to a marriage contrary to the provisions of Art. 765, annulment cannot be demanded when the party married at a non-marriageable age has attained a marriageable age."

"A party married at a non-marriageable age may demand the annulment of the marriage for three months even after his or her attainment of marriageable age, unless it has been ratified after the attainment of that age."

Article 782.--"With regard to a marriage contrary to the provisions of Art. 767, annulment cannot be demanded when six months have elapsed from the day when the former marriage has been dissolved or annulled or when the woman has become pregnant subsequent to her re-marriage."

Article 783.--"With regard to marriage contrary to the provisions of Art. 772, application for annulment may be made to a Court by the persons possessed of the right of giving consent thereto. The same applies when the consent was given owing to fraud or coercion (duress)."

Article 784.--"The right of annulment mentioned in the preceding Article is extinguished in any of the following cases:--

1. If six months have elapsed from the time the person who had the right to give consent has had notice of the marriage or has discovered the fraud or has been released from coercion;

2. If the person who had the right to give consent has made a ratification;

3. "When two years have elapsed from the day when the marriage was notified to the registrar."

Article 787.--"The annulment of a marriage has no retroactive effect. A party who had no knowledge of the existence of the cause of annulment at the moment of the marriage must restore any property which has been acquired by the marriage only in so far as he or she is actually enriched thereby."

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"A party concerned who had knowledge of the existence of the cause for annulment at the moment of the marriage must restore all the profit acquired by the marriage and is further bound to make compensation for damage to the other party if the latter acted in good faith."

SECTION 2.

OF THE EFFECT OF A MARRIAGE.

Article 788.--"The wife enters the husband's house by marriage."

"A nyufu and a muko-yoshi enter the wife's house."

Article 789.--"The wife is bound to live with her husband."

"The husband must permit the wife to live with him."

Article 790.--"Husband and wife are bound to support each other."

Article 791.--"When the wife is a minor, the husband, if he is a major, exercises the functions of her guardian."

Article 792.--"A contract concluded between a husband and wife may be avoided by either of them at any time while married. But the rights of third persons may not be injured."

SECTION 3.

OF ARRANGEMENTS AS TO THE

MARITAL PROPERTY.

SUB-SECTION I.

GENERAL PROVISIONS.

Article 793.--"If a husband and wife have not, previous to the notification of their marriage to the registrar, concluded a special contract with regard to their property, their property relations are determined according to the provisions of the following Sub-Section."

Article 794.--"If a husband and wife have concluded a contract different from the legal arrangements as to marital property, it cannot be set up against their successors or against third persons unless its registration is made previous to the notification of the marriage to the registrar."

Article 796.--"The property relations between husband and wife may not be changed subsequent to the notification of their marriage to the registrar."

"In case a spouse who manages the property of the other compromises it by reason of mismanagement, the latter may apply to a Court to be allowed to undertake the management himself or herself."

"As for common (joint) property, partition may be demanded together with the demand mentioned in the preceding Paragraph."

Article 797.--"If the manager is changed or the common property is partitioned in accordance with the provisions of the preceding Article or by virtue of a contract, such change or partition may not be set up against the successors to the husband and wife or against third persons unless it is registered."

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SUB-SECTION 2.

OF LEGAL ARRANGEMENTS AS TO

MARITAL PROPERTY.

Article 798.--"The husband bears all expenses arising from the marriage; but when the wife is the head of the house they are borne by her."

"The provisions of the preceding Paragraph do not affect the application of the provisions of Art. 790 or those of Chapter VIII.

Article 799.--"The husband or the female head of the house is entitled to use and acquire profit from the property of his or her spouse in accordance with its use."

"The husband or the female head of the house must pay out of the fruits of the property of his or her spouse the interest on the obligations which the latter bears."

Article 801.--"The husband manages the wife's property."

"When the husband is unable to manage the wife's property, the wife does so herself."

Article 802.--"When the husband desires to contract loans on behalf of the wife, to assign her property, to furnish it as security, or to let it in excess of the period of time provided in Art. 602, he must obtain the wife's consent, except when the fruits are disposed of for the purpose of management."

Article 803.--"In case the husband manages the wife's property, a Court may, upon the demand of the wife, order the husband to furnish proper security with regard to the management and restitution of the property, should such course be deemed necessary."

Article 804.--"The wife is regarded as the representative of the husband with regard to the daily household affairs."

"The husband may either entirely or partly decline to recognize the authority of representation mentioned in the preceding Paragraph, but such denial may not be set up against third persons in good faith."

Article 805.--"In case the husband manages his wife's property or the wife represents her husband, the same care must be used as for his or her own sake."

Article 806.--"The provisions of Art. 654 and Art. 655 apply correspondingly in case the husband manages the wife's property or the wife represents the husband."

Article 807.--"Property owned by a wife or a nyufu since previous to the marriage, and the property acquired in his or her own name while married, form his or her separate property."

SECTION 4.

OF DIVORCE.

SUB-SECTION I.

OF THE DIVORCE BY MUTUAL CONSENT.

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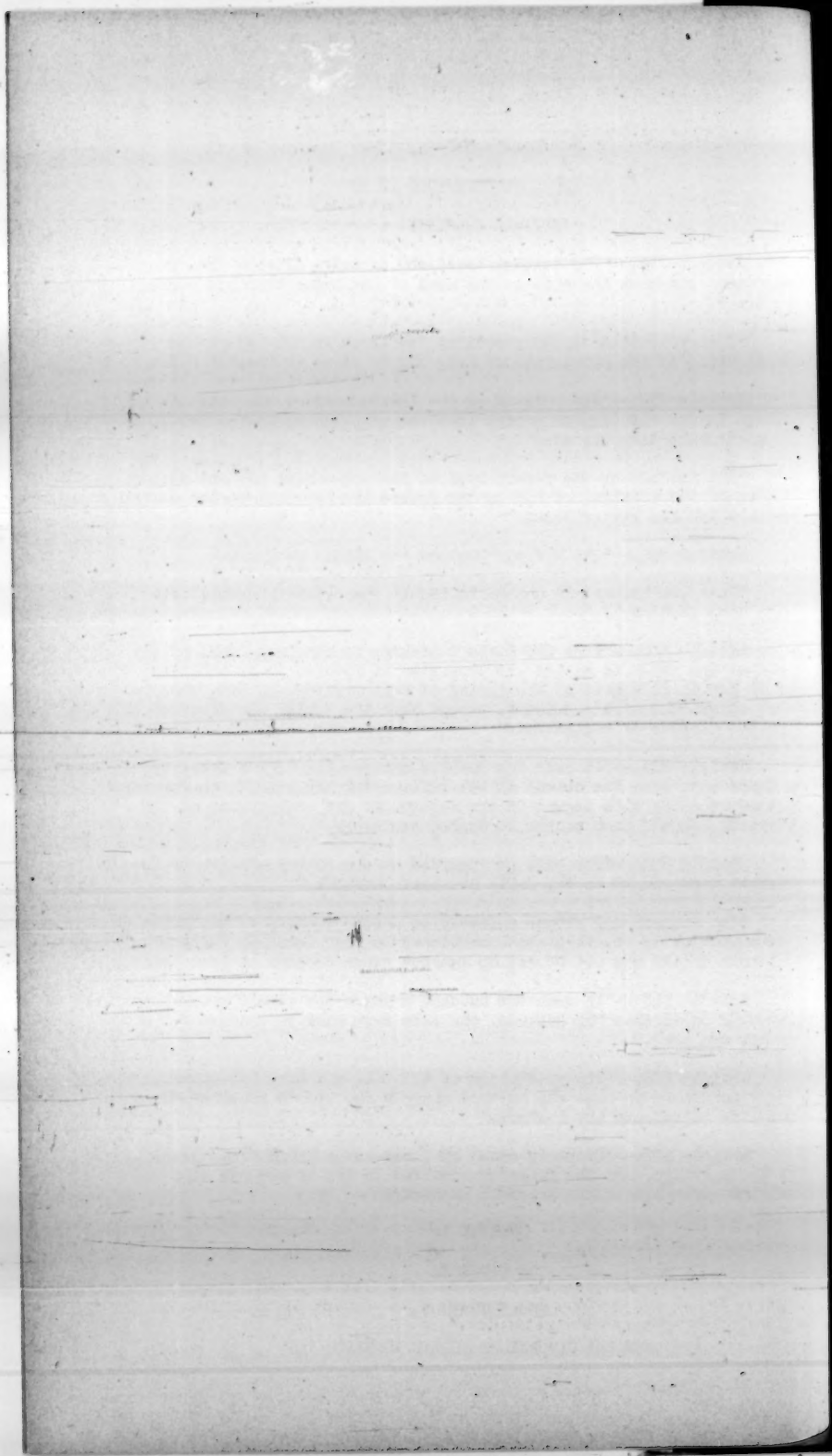

Article 808.--"Husband and wife may effect divorce by mutual agreement."

Article 809.--"A person under full twenty-five years of age who desires to effect a divorce by mutual consent must obtain the consent of those persons who possess the right to give consent to his or her marriage in accordance with the provisions of Arts. 772 and 773."

Article 812.--"When the persons who have got divorced by mutual consent have not determined by that agreement who is to take care of the children, their custody belongs to the father."

"When the father has left by reason of divorce the house which he entered by marriage, the custody of the children belongs to the mother."

"The provisions of the preceding two Paragraphs do not affect the rights and duties of the father and mother outside of the scope of the said custody."

SUB-SECTION 2.

OF JUDICIAL DIVORCE.

Article 813.--"Neither husband nor wife may institute an action for divorce except in the following cases:--

1. If the spouse has committed bigamy;

2. If the wife has committed adultery;

3. If the husband has been criminally sentenced to a penalty for illicit sexual intercourse;

4. If the spouse has been sentenced to a penalty for a misdemeanour or a graver offence in connection with forgery, bribery and corruption, sexual immorality, theft, robbery, obtaining property under false pretenses, embezzlement of property received in trust, and receiving stolen goods, or any of the offences specified in Arts. 175 and 260 of the Criminal Code, or has been sentenced to major imprisonment for not less than three years for an offence other than mentioned above;

5. When such ill-treatment or gross insult as to make conjugal community unendurable has been received from the spouse;

6. When (wilfully) deserted in bad faith by the spouse;

7. When ill-treatment or gross insult has been received from the lineal ascendants of the spouse;

8. When his or her spouse has inflicted ill-treatment or gross insult upon one of his or her lineal ascendants;

9. When, for a period of not less than three years, it has been uncertain whether the spouse is alive or dead;

10. "When, in case of a muko-yoshi, the adoption is dissolved, or in case of an adopted son married to a daughter of the house, the adoption is dissolved or annulled."

Article 814.--"If, in the cases of Nos. 1 to 4 of the preceding Article, one of the spouses has consented to the act of the other, no action for divorce can be instituted."

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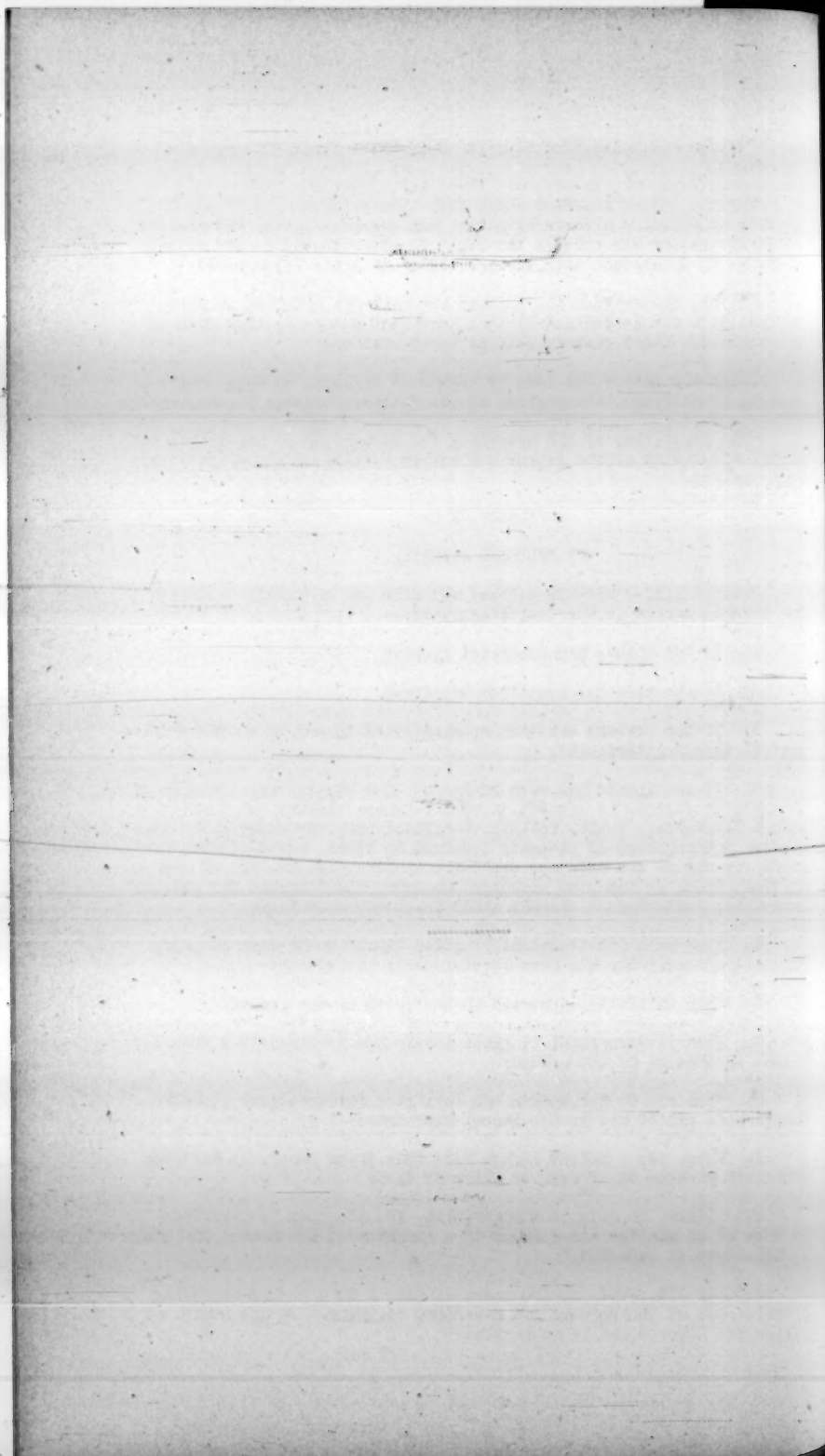

"The same applies in the cases of Nos. 1 to 7 of the preceding Article when either the husband or wife has condoned the act of the other or the act of the other's lineal ascendants."

Article 815.--"A person who has been sentenced to one of the penalties mentioned in No. 4 of Art. 813 cannot institute an action for divorce on the ground that the same fact exists with regard to his or her spouse."

Article 816.--"No action for divorce based on any of the grounds mentioned in Nos. 1 to 8 of Art. 813 can be brought after the lapse of one year from the time when the person entitled to institute such action has obtained knowledge of the fact which constitutes the cause of the divorce. The same applies after ten years have elapsed from the moment of the occurrence of the fact."

Article 817.--"An action for divorce on the ground mentioned in No. 9 of Art. 813 cannot be instituted after it has been ascertained whether the spouse is alive or dead."

Article 818.--"In the case of No. 10 of Art. 813, an action for divorce may be instituted incidentally with that for dissolution or annulment of the adoption when there is one."

"An action for divorce on the ground specified in No. 10 of Art. 813, cannot be brought when three months have elapsed from the time when the party concerned has become aware of the dissolution or annulment of the adoption, or when the right of divorce has been waived."

Article 819.--"The provisions of Art. 812 apply correspondingly to judicial divorce; but the Court may, in the interests of the children, make different dispositions with regard to their custody."

CHAPTER IV.

OF PARENT AND CHILD.

SECTION I.

OF REAL CHILDREN.

SUB-SECTION I.

OF LEGITIMATE CHILDREN.

Article 820.--"A child conceived by the wife during marriage is presumed to be the child of the husband."

"A child born after two hundred days from the day of the formation of the marriage, or within three hundred days from the day of the dissolution or annulment of the marriage, is presumed to have been conceived during the marriage."

Article 821.--"In case a woman who has been remarried contrary to the provisions of Paragraph 1 of Art. 767 has been delivered of a child, if the father of the child cannot be determined in accordance with the provisions of the preceding Article, he is to be determined by the Court."

SUB-SECTION 2.

"SHOSHI" AND ILLEGITIMATE CHILDREN.

Article 827.--"An illegitimate (natural) child may be recognized by the father or mother."

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"An illegitimate child recognized by the father is a "shoshi."

Article 828.--"For the recognition of an illegitimate child, even the father or mother who is an incapacitated person need not obtain the consent of his or her legal representative."

Article 830.--"No illegitimate child who has attained majority can be recognized except with his or her consent."

Article 831.--"The father may recognize even a child in the womb, but in this case the consent of the mother must be obtained."

"The father or mother may recognize even who is dead provided that there is a lineal descendant of such child. In this case it is necessary to have the consent of the lineal descendant if he or she has attained majority."

Article 833.--"A father or mother who has recognized a child cannot annul such recognition."

Article 835.--"A child, its lineal descendants, or their legal representatives, may demand recognition from the father or mother."

Article 836.--"A "shoshi" acquires the status of a legitimate child by the marriage of its parents."

"An illegitimate child recognized by its father and mother during the marriage acquires the status of a legitimate child from the time of the recognition."

"The provisions of the preceding two Paragraphs apply correspondingly in case the child is already dead."

SECTION 2.

OF ADOPTED CHILDREN.

SUB-SECTION I.

OF THE REQUISITES OF ADOPTION.

Article 837.--"A person of full age may adopt another."

Article 839.--"A person who has a male heir presumptive to his house cannot adopt another male, except when it is intended that the latter is to become the husband of a daughter."

Article 841.--"A married person cannot be a party to an adoption unless conjointly with the spouse."

"If either a husband or wife adopts a child of the other spouse, the other's consent is sufficient."

Article 842.--"In the case of Paragraph 1 of the preceding Article, if either the husband or the wife is unable to express his or her intention, the other spouse may be a party to an adoption in the name of both."

Article 843.--"When a person to be adopted is under fifteen years of age, his or her father or mother belonging to the same house may consent to the adoption on his or her behalf."

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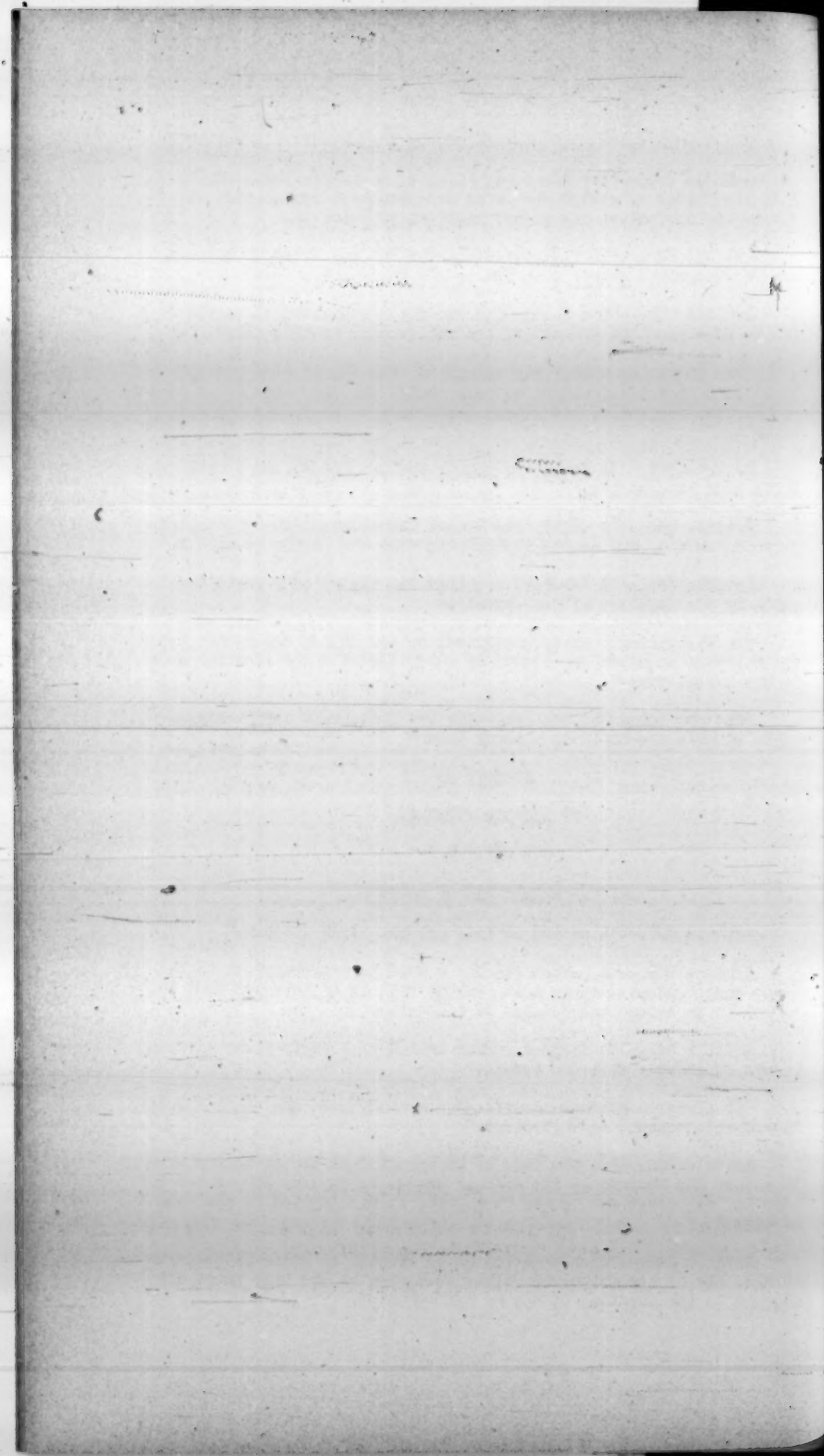

"A step-father or step-mother or a chakubo must obtain the consent of the family council in order to give the consent mentioned in the preceding Paragraph."

Article 844.--"When a child of full age adopts a person, or a child not less than full fifteen years is adopted, the consent of the father or mother belonging to the same house must be obtained."

Article 845.--"If a person who has entered another house by adoption or marriage desires to enter yet another house as an adopted child, the consent of the father and mother belonging to his or her original family must be obtained; but when a wife follows her husband into another house this rule does not apply."

Article 848.--"A person who desires to adopt another may express his or her intention by will. In this case the adoption must be notified to the Registrar without delay after the will has taken effect by the executor of the will, the person to be adopted, or the persons who have consented to the adoption on his or her behalf in accordance with provisions of Art. 843, and at least two witnesses who have attained majority."

"The notification mentioned in the preceding Paragraph takes effect retroactively as from the time of the death of the adoptive parent."

SUB-SECTION 2.

OF THE INVALIDITY AND ANNULMENT OF AN

ADOPTION.

Article 853.--"Application may be made to a Court for the annulment of an adoption contrary to the provisions of Art. 837, either by the adoptive parent or his or her legal representative, except six months have elapsed or the adoption has been ratified by the adoptive parent subsequent to the attainment of majority."

Article 856.--"With regard to an adoption contrary to the provisions of Art. 841, application for annulment can be made to a Court by the spouse who has not consented thereto; but the spouse is deemed to have ratified it when six months have elapsed after he or she had notice of the fact of the adoption."

Article 857.--"With regard to an adoption contrary to the provisions of Art. 844 to 846, application may be made to a Court by the persons possessed of the right to give consent thereto. The same applies when consent has been given owing to fraud or coercion."

"The provisions of Art. 784 apply correspondingly to the case of the preceding Paragraph."

SUB-SECTION 3.

OF THE EFFECT OF AN ADOPTION.

Article 860.--"An adopted child acquires the status of a legitimate child of the adoptive parent from the day of adoption."

Article 861.--"By adoption the adopted child enters the house of the adoptive parent."

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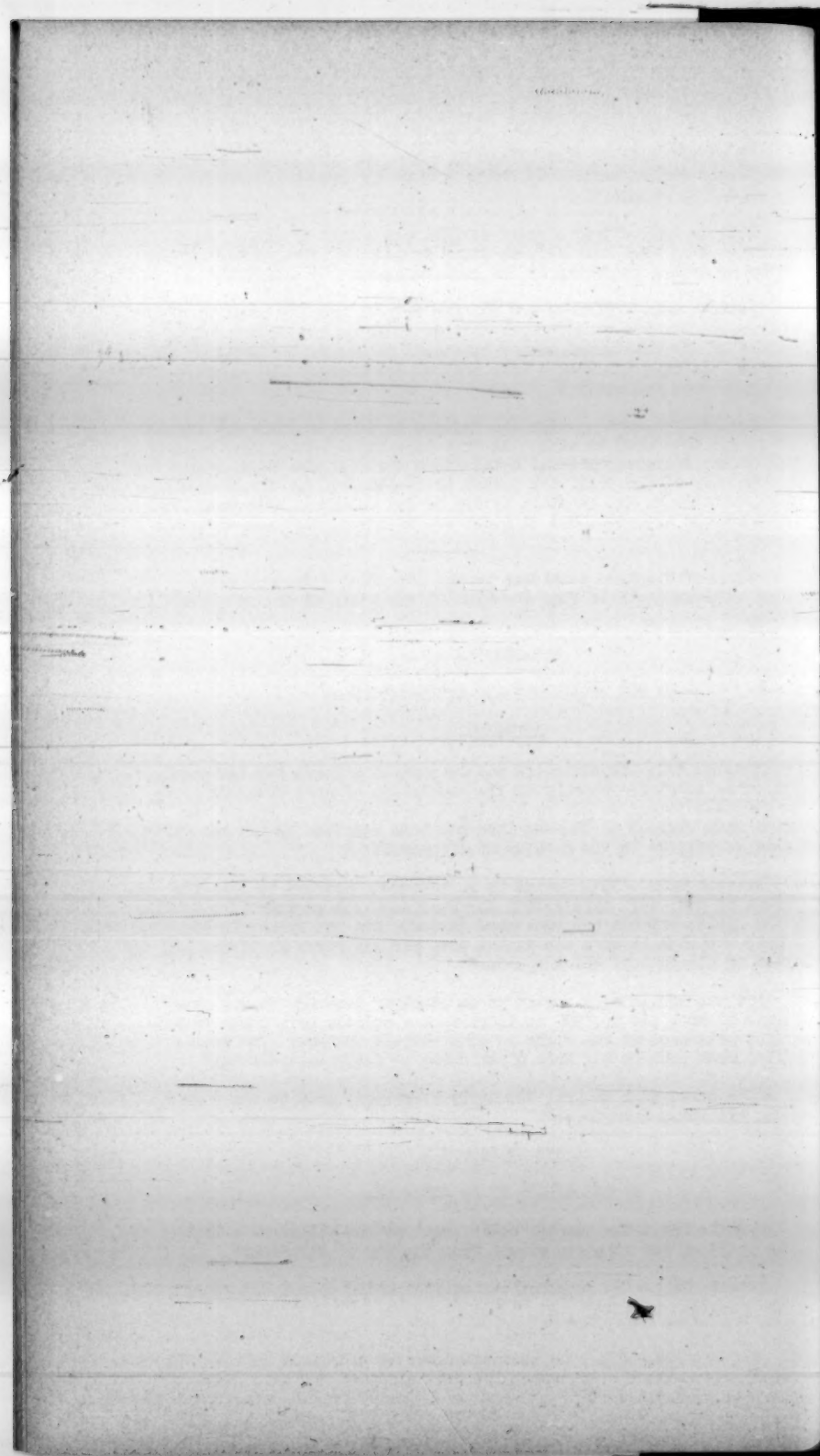

SUB-SECTION 4.

OF THE DISSOLUTION OF AN ADOPTION.

Article 862.--"The parties to an adoption can dissolve it by mutual agreement."

"If an adopted child is under fifteen years of age dissolution of adoption is effected by an agreement between the adoptive parent and the persons entitled to consent to the adoption on behalf of the adopted child."

"If an adopted child wishes to dissolve the adoption after the death of the adoptive parent, he or she can do so with the consent of the head of the house."

Article 866.--"One of the parties to an adoption can institute an action for its dissolution only in the following cases:--

1. If ill-treatment or gross insult has been received from the other;

9. "If a divorce takes place in case of a muko-yoshi or if there has been a divorce or annulment of marriage in case of an adopted child married to one of the daughters of the house."

Article 873.--"In the case of No. 9 of Art. 866, if the divorce or the annulment of the marriage is demanded, dissolution of the adoption may be demanded incidentally thereto."

"No action for dissolution of adoption may be instituted for the reason mentioned in No. 9 of Art. 866 when six months have elapsed from the time when the party concerned had notice of the fact of the divorce or the annulment of the marriage, or when the right of demanding dissolution of adoption has been renounced."

Article 874.--"After an adopted child has become the head of the house, adoption cannot be dissolved until after his or her resignation from the headship of the house."

Article 876.--"In case a husband and wife have been adopted or an adopted child has been married to another adopted child of the adoptive parent, when the wife is obliged to leave the adoptive house through dissolution of adoption, the husband must, at his option, either dissolve the adoption or effect divorce."

CHAPTER V.

OF THE PARENTAL POWER.

SECTION I.

GENERAL PROVISIONS.

Article 877.--"A child is subject to the parental power of the father belonging to the same house. This does not apply, however, to a child who has attained majority and who has an independent livelihood."

"When the father is unknown, is dead, has left the house, or is unable to exercise the parental power, it is exercised by the mother belonging to the same house."

Article 878.--"In case parental power is exercised by the step-father, step-mother or chakubo, the provisions of the next Chapter apply correspondingly."

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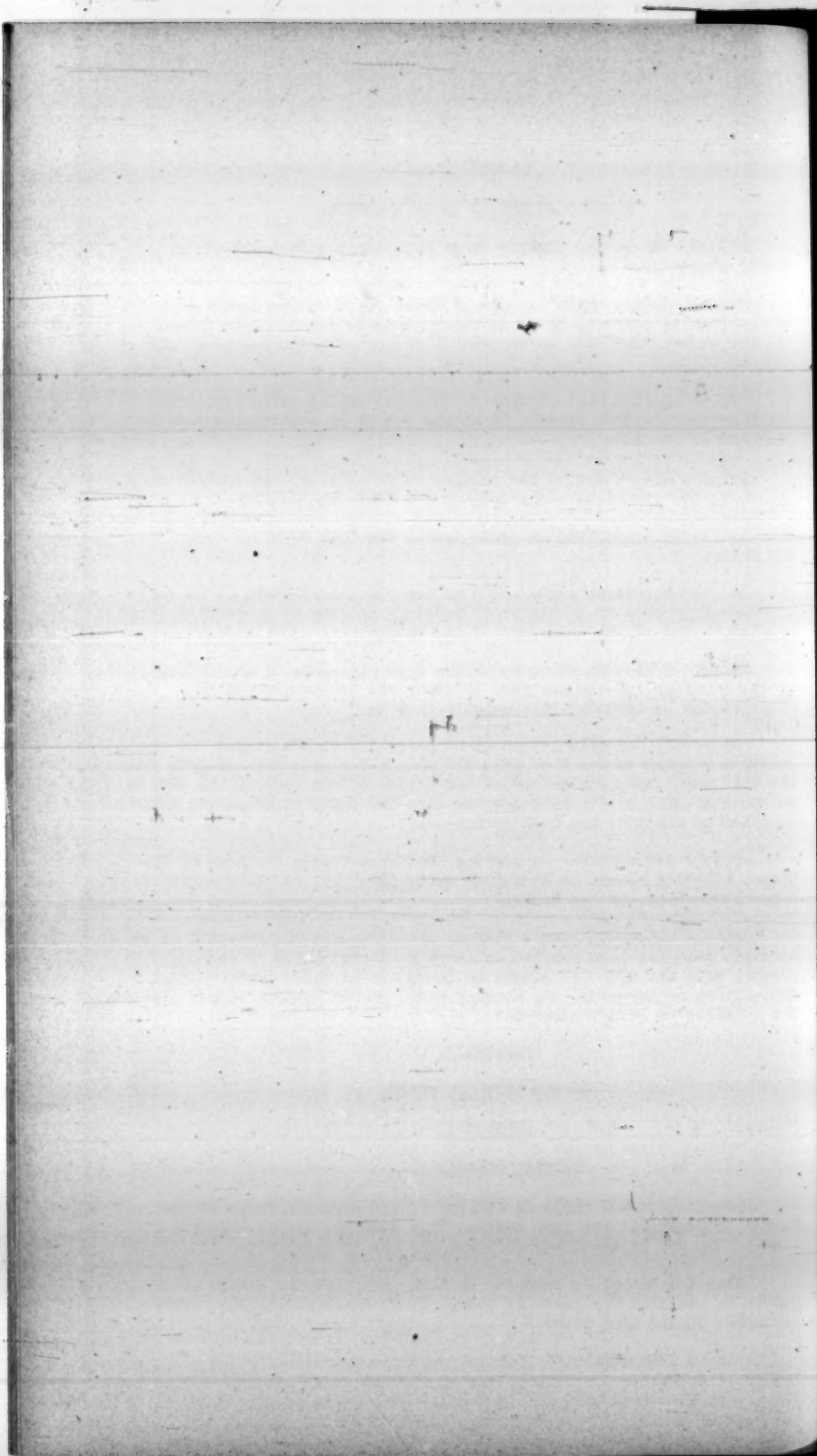

SECTION 2.

OF THE EFFECT OF PARENTAL POWER.

Article 879.--"A father or mother who exercises parental power has the right and bears the duty to protect and educate minor children."

Article 880.--"A minor child must reside at the place designated by the father or mother who exercises parental power; but this does not effect the application of Art. 749."

Article 881.--"In order to (voluntarily) apply for enrolment in the military services, a minor child must have the permission of the father or mother who exercises parental power."

Article 882.--"A father or mother who exercises parental power may correct (discipline) the child himself or herself within necessary limits, or, with the permission of the Court, may place the child in a house of correction."

Article 883.--"A minor child cannot carry on a business or profession except with the authorization of the father or mother who exercises parental power."

"The father or mother may annul or restrict the authorization of the preceding Paragraph in the case of Paragraph 2 of Art. 6."

Article 884.--"A father or mother who exercises parental power manages the property of the child in minority and represents the child in all juristic acts relating to the property; but the consent of the child must be obtained when an obligation is created which has an act of the child for its subject."

Article 885.--"In case a minor child has to manor child has to manage the property of its spouse, the father or mother who exercises parental power manages the property in place of the child."

Article 886.--"A mother who exercises parental power must obtain the consent of the family council for doing any of the acts mentioned below on behalf of a minor child or for authorizing such child to do the same:--

1. To carry on a business;

2. To contract loans or to become a surety (guarantor);

3. To do acts having for their object the extinction of rights relative to immovables or important movables;

4. To make amicable settlements (compromises) or arbtration agreements relative to immovables or important movables;

5. To renounce a succession;

6. "To refuse a donation or legacy."

Article 887.--"Any act done or authorized by a mother exercising parental power contrary to the provisions of the preceding Article may be annulled by the child or by the latter's legal representative. In this case the provisions of Art. 19 apply correspondingly."

"The provisions of the preceding Paragraph do not effect the application of Arts. 121 to 126."

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Article 888.--"With regard to an act respecting which the interests of a father or mother who exercises parental power conflict with those of a minor child, the father or mother must call upon family council to appoint a special representative for the child."

"In case the father or mother exercises parental power over several children, if the interests of one of the children conflict with those of another, the provisions of the preceding Paragraph apply correspondingly for one of them."

Article 889.--"A father or mother who exercises parental power must exercise his or her right of management with the same care and attention as they would use in their own affairs."

"A mother cannot avoid responsibility even for the acts done with the consent of the family council, except there has been no fault on her part."

Article 890.--"When a child has attained majority, the father or mother who has exercised parental power must without delay make up an account of management; but the expense of bringing up the child and managing his or her property are deemed as a set-off against the income derived from the property of the child."

Article 892.--"If a third person who has given property to a child has expressed the intention that it shall not be managed by the father or mother who exercises parental power, such property is not subject to the management of the father or mother."

"In the case of the preceding Paragraph, if the third person has not designated a manager, the Court must appoint one either upon the demand of the child, a relative of the child, or a public procurator."

"The same applies even in case the third person has designated a manager, when the powers of the manager have been extinguished or a substitute appointment has become necessary, and the third person does not designate a new manager."

"The provisions of Arts. 27 to 29 apply correspondingly in the cases of the preceding two Paragraphs."

Article 893.--"The provisions of Art. 654 and Art. 655 apply correspondingly when the father or mother manages the property of the child and in the case mentioned in the preceding Article."

Article 894.--Obligations which have arisen relative to the management of the property between the father or mother who has exercised parental power, or a member of the family council and the child, are extinguished by prescription when they have not been exercised for five years from the time of the extinction of the right of management."

"If the right of management has become extinguished before the child has attained majority, the period of time of the preceding Paragraph commences to run from the time when the child has attained majority or when the new legal representative has entered upon his duties."

895.--"A father or mother who exercises parental power over a minor child exercises the rights of the headship of a house and parental power in place of the child."

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SECTION 3.

OF THE LOSS OF PARENTAL POWER.

Article 896.--"When a father or mother abuses parental power or is guilty of flagrant misconduct, the Court may, upon the demand of a relative of the child or a public procurator, decree that his or her parental power is lost."

Article 897.--"When a father or mother who exercises parental power has endangered the property of the child by reason of mismanagement, the Court may, upon the demand of a relative of the child or a public procurator, decree the loss of his or her right of management."

"If the decree of the preceding Paragraph has been issued against the father, the right of management is exercised by the mother belonging to the same house."

Article 898.--"If the causes mentioned in the preceding two Articles have ceased to exist, the Court may annul the decree of deprivation of right upon the demand of the party concerned or any of his or her relatives."

Article 899.--"A mother who exercises parental power may decline to undertake the management of the property."

CHAPTER VI.

OF GUARDIANSHIP.

SECTION 2.

OF THE ORGANIZATION OF GUARDIANSHIP.

SUB-SECTION I.

OF GUARDIANS.

Article 901.--"The person who is the last to exercise parental power over a minor may designate a guardian by will except he or she has not the right of management."

"If a mother has declined to undertake the management of property in advance during the lifetime of the father who exercises parental power, the latter may designate a guardian in accordance with the provisions of the preceding Paragraph."

Article 902.--"A father or mother who exercises parental power becomes the guardian of a person who has been adjudged incompetent (interdicted)."

"If a wife is adjudged incompetent (interdict), her husband becomes her guardian. If the husband does not become guardian, the provisions of the foregoing Paragraph are to be followed."

"If a husband is adjudged incompetent (interdict), the wife becomes his guardian. If the wife does not become guardian or if the husband is a minor, the provisions of Paragraph one are to be followed."

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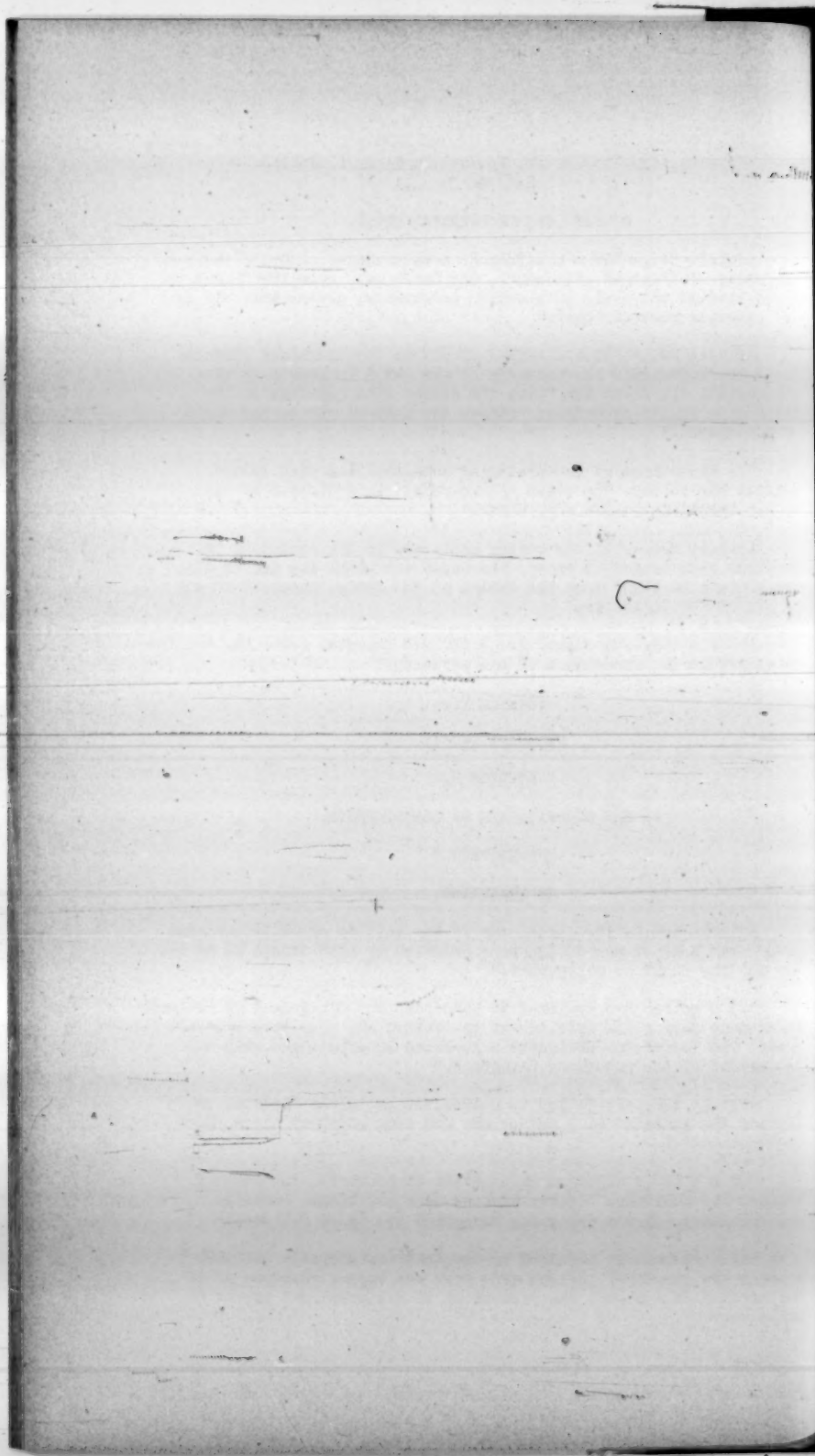

Article 905.—"If it has become necessary to appoint a guardian because the mother has declined the management of the property, because the guardian has resigned from his or her duties, because the father or mother who has exercised parental power has left the house, or because the head of the house has resigned from the headship of the house, the father, the mother, or the guardian must, without delay, convene the family council or apply to the Court to do so."

Articles 908.—"None of the persons mentioned below can be guardians:—

6. Persons who have or have had a lawsuit against the ward or the spouse or any lineal blood-relatives of such person;

SUB-SECTION 2.

OF SUPERVISORS OF GUARDIANSHIP.

Article 914.—"Neither the spouse, a lineal blood-relation, nor the brothers or sisters of a guardian may be a supervisor of guardianship."

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Article 921.--"The guardian of a minor has and bears, with regard to the matters provided in Arts. 879 to 883 and 885, the same rights and duties as a father or mother who exercises parental power; but the consent of the family council must be obtained for changing the manner of education or the play of residence determined by the father or mother who exercises parental power, for placing the minor in a house of correction, or for authorizing him to carry on a business or annulling or restricting such authorization."

Article 925.--"The family council may allow the guardian a reasonable remuneration out of the property of the ward, taking in consideration the financial means and resources of the guardian and the ward and other circumstances, except when the guardian is the spouse or a lineal blood-relation of the ward or the head of the house."

CHAPTER VII.

OF THE FAMILY COUNCIL.

Article 948.--"The principal party concerned, the head of the house, the father and mother belonging to the same house, the spouse, the heads of the principal and branch houses, the guardian, the supervisor of guardianship and the curator may state their opinions in the family council."

"The convocation of a family council must be notified to the persons mentioned in the preceding Paragraph."

CHAPTER VIII.

OF THE DUTY OF SUPPORT.

Article 954.--"Lineal blood-relations and brothers and sisters and mutually bound to support each other."

"The same applies as between one of two married persons and the lineal ascendants of the other party belonging to the same house."

Article 955.--"In case there are several persons bound to furnish support, the order in which they are to perform the obligation is as follows:--

1. Spouse;
2. Lineal descendants;
3. Lineal ascendants;
4. Head of the house;
5. Persons mentioned in Paragraph 2 of the preceding Article;
6. "Brothers and sisters."

"Among the lineal descendants or lineal ascendants the person nearest in degree of relationship is liable first. The same applies among the lineal ascendants mentioned in Paragraph 2 of the preceding Article."

Article 957.--"In case there are several persons entitled to support, and the means of the persons bound to furnish it are not sufficient to support all of them, the person bound to furnish support must do so in the following order:--

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1. Lineal ascendants;

2. Lineal descendants;

3. Spouse;

4. Persons mentioned in Paragraph 2 of Art. 954;

5. Brothers and sisters;

6. "Members of the house other than those mentioned in the preceding five Numbers.

"The provisions of Paragraph 2 of Art. 955 apply correspondingly in the case of the preceding Paragraph."

Article 958.--"When there are several persons of the same rank entitled to support, each may receive support in proportion to his or her needs."

"The saving provisions of Art. 956 apply correspondingly in the case of the preceding Paragraph."

Article 959.--"The duty of support exists only when the person entitled to support cannot live on his or her own property or labour. The same applies when he or she cannot obtain education out of his or her own property."

"Among brothers and sisters, the duty of support exists only when the necessity for receiving support is not due to the fault of the person who is to receive it, except when the person bound to furnish support is the head of the house."

CIVIL CODE OF JAPAN.

BOOK V.

BOOK OF SUCCESSION.

CHAPTER I.

OF THE SUCCESSION TO A HOUSE.

SECTION I.

GENERAL PROVISIONS.

Article 964.--"Succession to a house commences for any of the following causes:--

3. "When the female head of a house is married to a nyufu or when the latter is divorced."

SECTION II.

OF THE HEIR TO A HOUSE.

Article 969.--"None of the persons mentioned below can be an heir to a house:--

2. A person who knowing that the ancestor has been murdered has failed to inform the authorities of the fact or to lay a formal charge against the perpetrator; but this does not apply when the person in question is without discernment sufficient to distinguish right from wrong, or when the murderer is his or her spouse or one of his or her lineal blood-relatives;

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Article 970.--"Lineal descendants of the ancestor who are members of the latter's house become heir to the house in accordance with the following provisions:--

3. As among males or females of the same degree of relationship, legitimate children precede;

4. As among a legitimate child, a shoshi and an illegitimate child of the same degree of relationship, the legitimate child and shoshi, even though females, precede the illegitimate child;

Article 973.--"The right of succession of a legal presumptive heir to a house is not affected by an adoption for the sake of one of his sisters."

Article 982.--"In case there is neither a legal nor a designated heir to a house, the father of the ancestor belonging to the same house, or , the mother, if there is no such father or the latter cannot express his intention, or if there is neither father nor mother or both of them are unable to express their intention, the family council chooses an heir to the house from among the members of the house in the following order:--

1. Spouse who is a daughter of the house;

2. Brothers;

3. Sisters;

4. Spouse who does not fall under No. 1;

5. "Lineal descendants of brothers and sisters."

Article 984.--"If there is no person to be heir to a house in accordance with the provisions of Art. 982, the person of the nearest degree of relationship among the lineal ascendants belonging to the same house becomes heir to the house. But among persons of the same degree of relationship males take precedence."

SECTION III.

OF THE EFFECT OF THE SUCCESSION.

OF A HOUSE.

Article 988.--"A person who resigns from the headship of a house, or a female head of a house who is married to a nyufu, may reserve his or her property by an instrument bearing an authenticated date; but may not violate the provisions relative to the legal portion of the heir to a house."

Article 989.--"In case succession to a house commences owing to resignation from the headship of the house, or to the marriage of the female head of the house to a nyufu, the creditors of the former head of the house may demand performance from the said former head of the house."

"In case succession to a house commences through the annulment of the marriage of the female head of the house to a nyufu or the divorce of a nyufu, performance of the obligations contracted by him while he was the head of the house may still be demanded from him."

"The provisions of the preceding two Paragraphs do not prevent the demand from being made against the heir to the house."

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CHAPTER II.

OF SUCCESSION TO PROPERTY

SECTION 2.

OF THE HEIRS TO PROPERTY.

Article 996.--"When there is no person to be heir to property in accordance with the provisions of the preceding two Articles, the order of the persons who are to succeed to the property is as follows:--

1. Spouse;

2. Lineal ascendants;

3. Head of the house;

"In the case of No. 2 of the preceding Paragraph, the provisions of Art. 994 apply correspondingly."

SECTION 3.

OF THE EFFECT OF THE SUCCESSION

TO PROPERTY.

SUB-SECTION 2.

OF SUCCESSIONAL PORTIONS.

Article 1007.--"In case one of the co-heirs has received a legacy from the ancestor, or received a donation from the ancestor for the purpose of getting married or adopted, founding a branch house, or re-establishing an abolished or extinct house, or as a means of livelihood, the value of such donation plus the value of the property owned by the ancestor at the time of the commencement of the succession is regarded as the property of the succession, and what would be due to him in accordance with the provisions of the preceding three Articles minus the value of the legacy or donation constitutes his or her successional portion."

"If the value of such legacy or donation is equal to or exceeds the value of the successional portion, the legatee or donee cannot receive his or her portion."

"If the ancestor has expressed an intention different from the preceding two Paragraphs, such expression of intention is valid insofar as it is not contrary to the provisions relative to legal portions."

CHAPTER VI.

OF WILLS.

SECTION I.

GENERAL PROVISIONS.

Article 1066.--"If a ward makes a Will for the benefit of his guardian or the spouse or a lineal descendant of the guardian before the completion of the account of guardianship, such Will is null and void."

"The provisions of the preceding Paragraph do not apply in case the guardian is a lineal blood-relative, the spouse, or a brother or sister."

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SECTION 2.

OF THE FORMS OF WILLS.

SUB-SECTION I.

OF ORDINARY FORMS.

Article 1074.—"None of the persons mentioned below may be a witness or a person present at the making of a Will:—

4. Spouse of the testator;

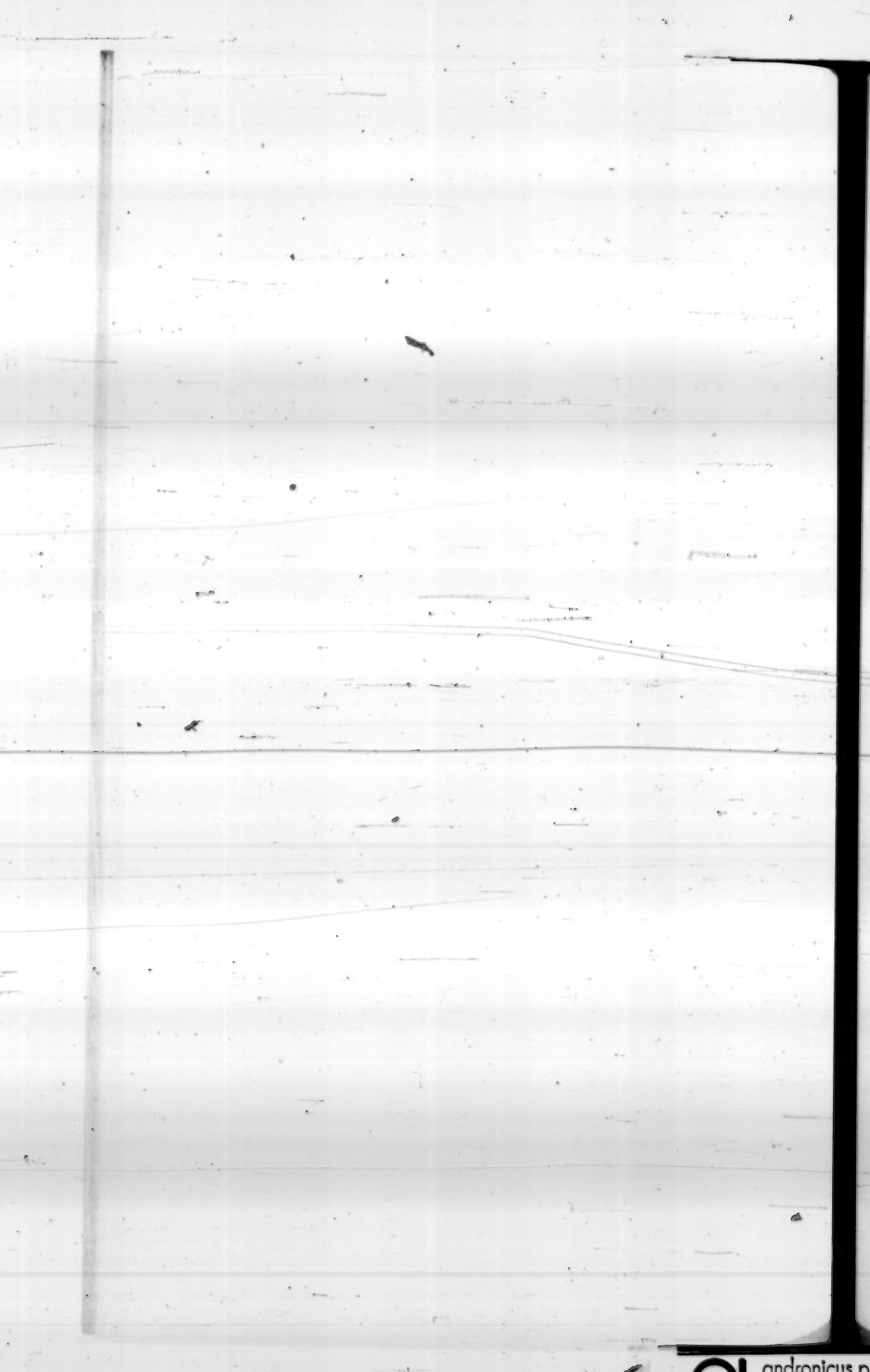
5. Presumptive heirs, legatees or their spouses or lineal blood relatives;

CHAPTER VII.

OF LEGAL PORTIONS.

Article 1131.—"A lineal descendant who is heir to property receives as his legal portion one half of the ancestor's property."

"A spouse or lineal ascendant who is heir to property receives as his or her legal portion one third of the ancestor's property."



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OF

ENGLISH CIVIL LAW

VOL. I.

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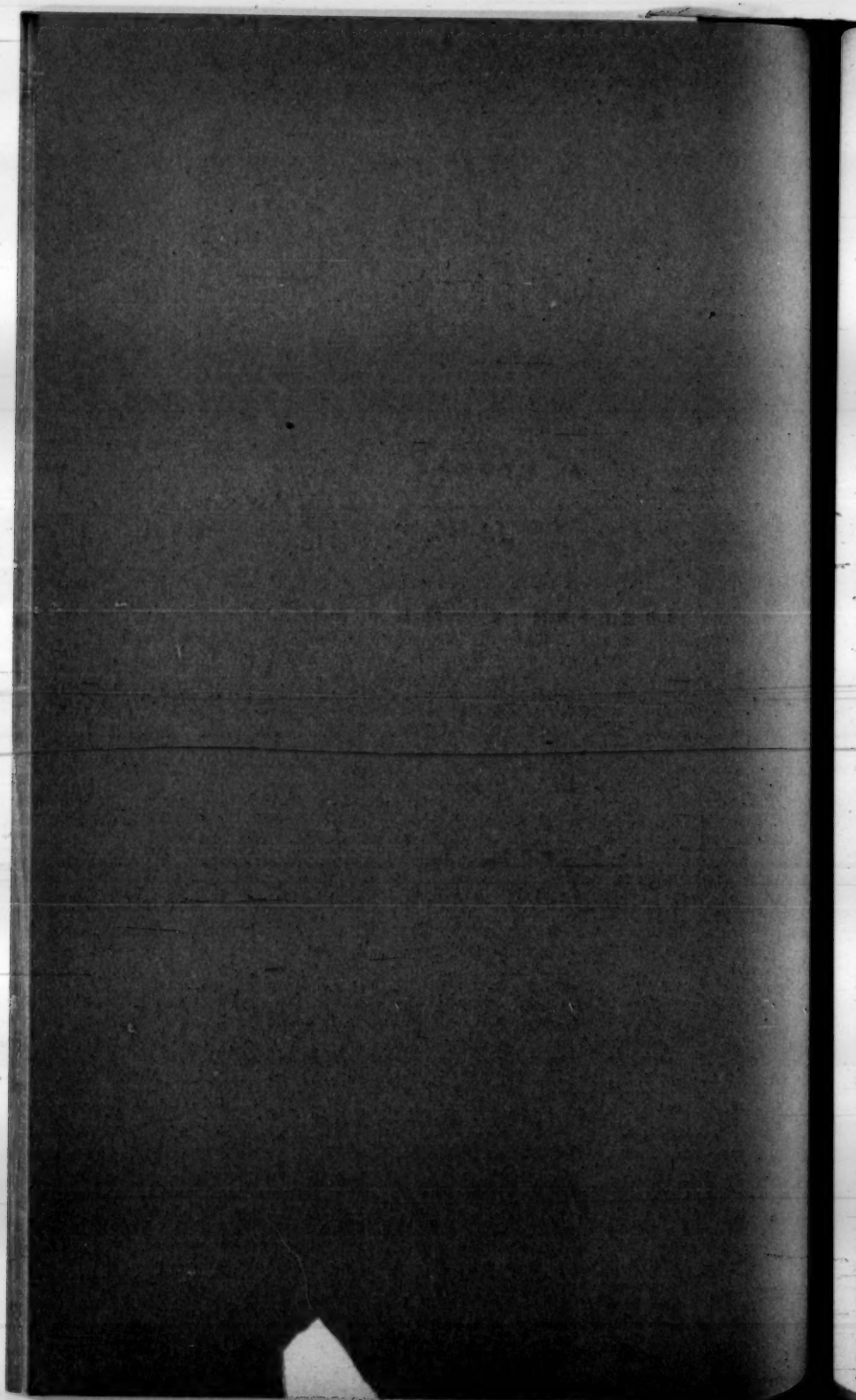

BOOK I.

G E N E R A L

SECTION I

PERSONS

TITLE I - NATURAL PERSONS

1. "The legal capacity of a human being commences from the time of his birth; but for certain purposes a child en ventre sa mere is treated as already born. Legal capacity is not complete until the attainment of majority."

2. "Majority is attained at the commencement of the day immediately preceding the 21st birthday."

3. "The following persons are, for the purposes of English Civil Law, subject to a greater or less degree of legal incapacity, viz.--persons undergoing sentence after conviction of treason or felony, outlaws, minors, persons of unsound mind (whether so found by inquisition or not), undischarged bankrupts, married women, aliens."

4. "A person having full legal capacity who resides in a country with the intention of making it his home, acquires a domicile in that country, and retains it until he acquires a domicile elsewhere. No person can have more than one domicile at the same time."

5. "A lunatic cannot change the domicile which he had at the time when he began to be placed under restraint as insane."

7. "A married woman's domicile is the same as that of her husband, even though she is in fact living apart from him."

8. "The domicile of a legitimate minor is that of his father, if living. If his father is dead, and the minor lives with his mother, his domicile is that of his mother, unless the mother has changed her domicile for a fraudulent purpose. The domicile of an illegitimate minor is that of his mother, if living; if she is dead, (probably) her last domicile."

12. "A person who has not been heard of for seven years is presumed in law to be dead; but there is no presumption in law that he died at any particular time during the seven years. And the presumption of death will be rebutted, if the circumstances show that it is likely that the person in question, though alive, would not be heard of."

13. "When two or more persons are shown to have perished in the same disaster, there is no presumption as to the order of their deaths."

SECTION III.

LEGAL ACTS

TITLE I - LEGAL CAPACITY

56. "A male minor at the age of twenty, and a female minor at the age of seventeen, may, on the occasion of his or her marriage, and with the approval of the Court, make a binding settlement of property. But such settlement may not include an appointment under a power which (in the instrument creating it) is expressly declared not to be exercisable by a minor; and every exercise of a power of appointment, and every disentailing assurance by any infant tenant-in-tail, comprised in such settlement, becomes absolutely void on the death of the minor before attaining majority."

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67. "The marriage of a person of unsound mind is (probably) void, even though the other party were unaware of the unsoundness of mind at the time when the marriage was contracted."

71. "A married woman in now, as regards the acquisition and disposal of property, and the acquisition of rights and liabilities in contract and in tort, in the same position as a single woman,

(a) A married woman cannot be rendered personally liable in respect of contract, or of fraud committed in connection with contract. Such liabilities can only be enforced against her property;

(b) She cannot be made a bankrupt, unless she is carrying on a trade or business, or (possibly) unless she has obtained a judicial separation or an order of protection, or unless her husband is civiliter mortuus;

(c) She may be restrained from anticipating her income, in manner stated in Code 105-108;

(d) She cannot act as "next friend" or guardian ad litem:"

74. "Subject to the provisions of the Crown Suits Acts, 1769 and 1861, no alien, nor any person claiming through an alien, can make a title to any interest in land by virtue of a disposition made before 12th May, 1870, or by virtue of a succession occurring on the death of any person who died before that date."

74A "An alien enemy cannot sue in an English Court; even in respect of rights acquired by him before he became an alien enemy. All contracts purporting to be entered into with an alien enemy are void; and all contracts entered into by a British subject with an alien enemy before he became such, insofar as they have not been performed when he became an alien enemy, (probably) then become void, except insofar as they are annexed to, or concomitant with, proprietary rights. But the proprietary rights of an alien enemy, acquired before he became such, are valid, except that he cannot enforce them by proceedings before English tribunals, whilst he is an alien enemy; and rights which were acquired against an alien enemy before he became such, can be enforced against him by proceedings before an English tribunal. For the purposes of this Code, an alien enemy means a person (natural or juristic), including a British subject, voluntarily residing or carrying on business in a territory under the control of a State with which the British Empire is at war, as well as an enemy subject (natural or juristic), residing or carrying on business within the British Empire, except insofar as such persons shall have obtained from the Crown a licence to reside or to trade or its equivalent, but (probably) not a subject of a hostile State residing or carrying on business in an allied or neutral country. A juristic person carrying on business in British territory, is an alien enemy, if its operations in such territory are de facto controlled by persons who in fact adhere to, take instructions from, or act under the control of, alien enemies."

TITLE II - DECLARATION OF INTENTION

84. "Undue influence will be presumed in transactions inter vivos between trustee and beneficiary, parent and unemancipated child, guardian and former ward, legal adviser and client, medical adviser and patient, spiritual adviser and penitent, and between any other persons standing towards one another in a relationship implying special confidence. In such cases, the person seeking to affirm the transaction must prove its

fairness. In other cases (except those mentioned in Code 86), the person alleging the existence of undue influence must prove it."

85. "The relationships of husband and wife, tenant-for-life and remainderman, and mortgagee and mortgagor, do not raise a presumption of undue influence for the purposes of Code 84."

105. "A conveyance for the benefit of a married woman may provide that she shall, during the existence of her marriage, have no power to alienate the corpus, or anticipate the income, of the property; and such a provision will (subject to Code 107 and 108) prevent all alienation, direct or indirect, by the married woman."

106. "Such a provision will cease to operate on the termination of the marriage; but, if suitably worded, it will revive, unless the property has in the meantime been alienated, on any subsequent marriage."

107. "The restraint on anticipation may, with the consent of the married woman, be set aside by the Court, to such an extent as is necessary to bind her interest in a transaction which the Court deems to be for her benefit."

108. "Notwithstanding any restraint on anticipation, the Court may order the costs incurred by the opposite party, in litigation initiated by or on behalf of a married woman, to be paid out of her property; and may also hold her property liable to indemnify a trustee who, at her instigation, or with her consent in writing, has committed a breach of trust in respect of the estate of which the property in question forms part."

108A. "When a married woman has been made bankrupt, the Court may, on the application of the trustee in bankruptcy, order the payment, for any time, of the whole or part of any income which she is restrained from anticipating, to such trustee, for distribution amongst her creditors."

TITLE IV - AGENCY AND REPRESENTATION

132. "A wife living with her husband is (probably) a general agent of the husband, in respect of the daily management of the household, and may pledge her husband's credit for necessaries suitable to his position, and the manner in which the household is maintained; unless her husband has either (a) supplied her with sufficient necessaries, or money to purchase the same, or (b) expressly forbidden her to pledge his credit."

133. "A wife living apart from her husband, either with his consent, or by reason of his misconduct, is entitled to pledge his credit for necessaries supplied for the use of herself and their children, living with her; unless she is provided by him with an adequate maintenance, or an income which she has agreed to accept as adequate. Adultery by the wife, unless connived at or condoned by the husband, revokes such authority to pledge his credit."

(The case of the wife who justifiably, but against her husband's wish, leaves him, is, perhaps, the one case in which, by English Law, agency does not now rest on agreement, express or implied. It would be a violent straining of argument to urge that authority to pledge the husband's credit in such circumstances was implicitly given by the husband by the fact of marriage."

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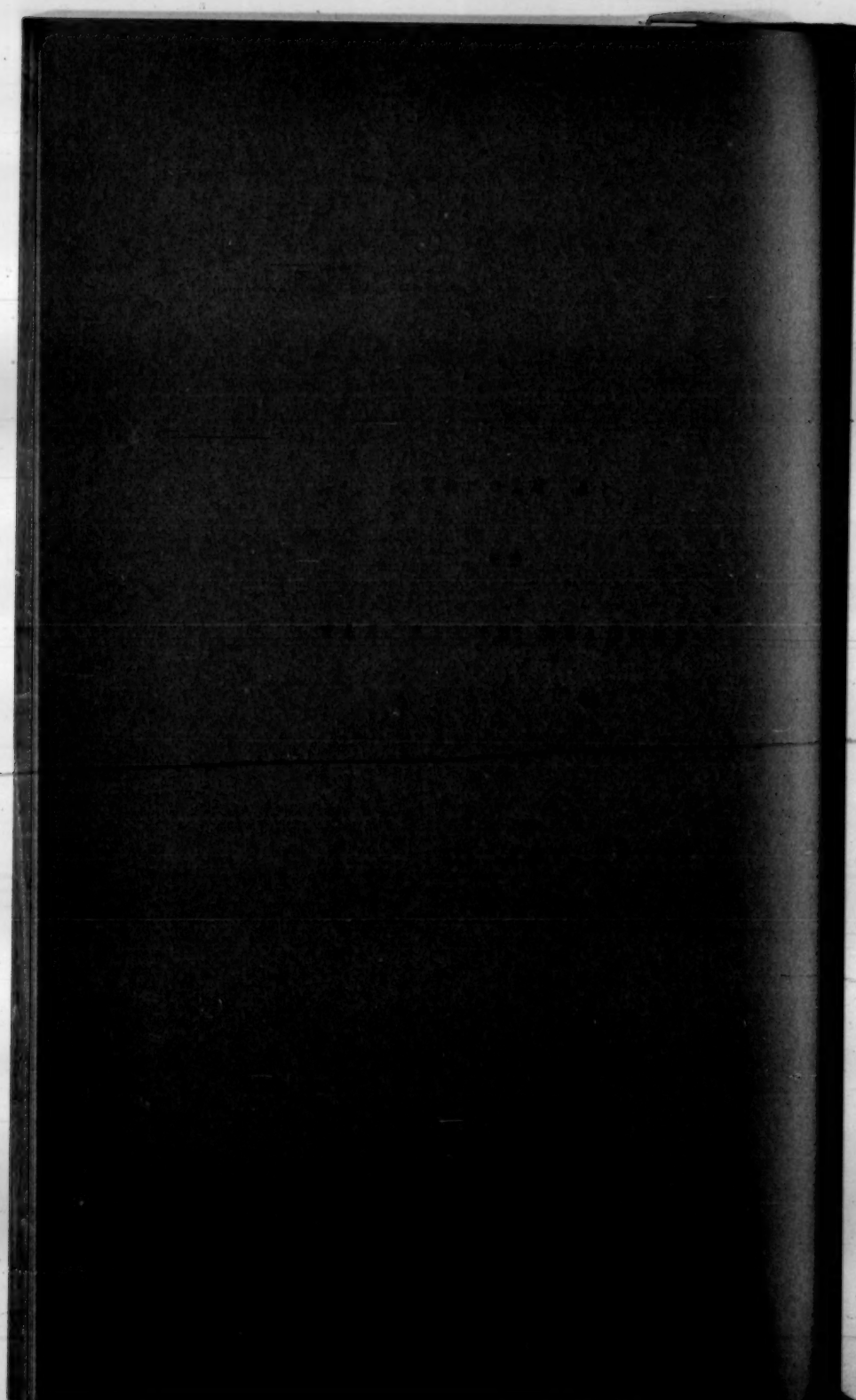
ENGLISH CIVIL LAW

VOL. II



134. "A housekeeper or servant presiding over a man's household has the same authority, whilst so presiding (but not afterwards), to pledge his credit as a wife."

136. "A husband is responsible to third parties for the tortious acts of his wife (not being directly connected with, or by way of inducing, a contract); but a parent is not responsible for the tortious acts or defaults of his child, unless they were committed with his actual authority, or at his instigation."

137. "A husband is liable for the ante-nuptial contracts and torts of his wife, to the extent of all property coming to him from or through her."

SECTION VI

SELF HELP

176. "A person who, or whose wife, child, master, or servant, is threatened with wrongful physical harm, or whose possession is wrongfully interfered with, is justified in employing, against the wrong-doer, force apparently necessary to prevent the accomplishment or continuance of that harm or interference."

BOOK II

OBLIGATIONS

PART I

OBLIGATIONS ARISING FROM CONTRACT

(GENERAL)

SECTION I

FORMATION OF CONTRACT

TITLE II - FORM AND CONSIDERATION

220. "Subject to the provisions of Code 221, a contract is unenforceable whereby a person (a) being an executor or administrator, expressly promises to answer damages out of his own estate; (b) expressly promises to answer for the debt, default, or miscarriage of another; (c) makes a promise in consideration of marriage; (d) promises to transfer any interest in lands tenements or hereditaments; (e) makes a promise the performance of which must extend, as regards both parties to it, beyond the period of one year from the making thereof; unless the contract sought to be enforced, or some memorandum or note thereof is in writing, signed by the party against whom it is sought to be enforced, or by some other person thereunto by him lawfully authorized."

SECTION III

TITLE II - CONSEQUENCES OF NON-PERFORMANCE

277. "Damages are not recoverable in respect of disappointment of mind or injured feelings, except in the case of a breach of contract to marry."

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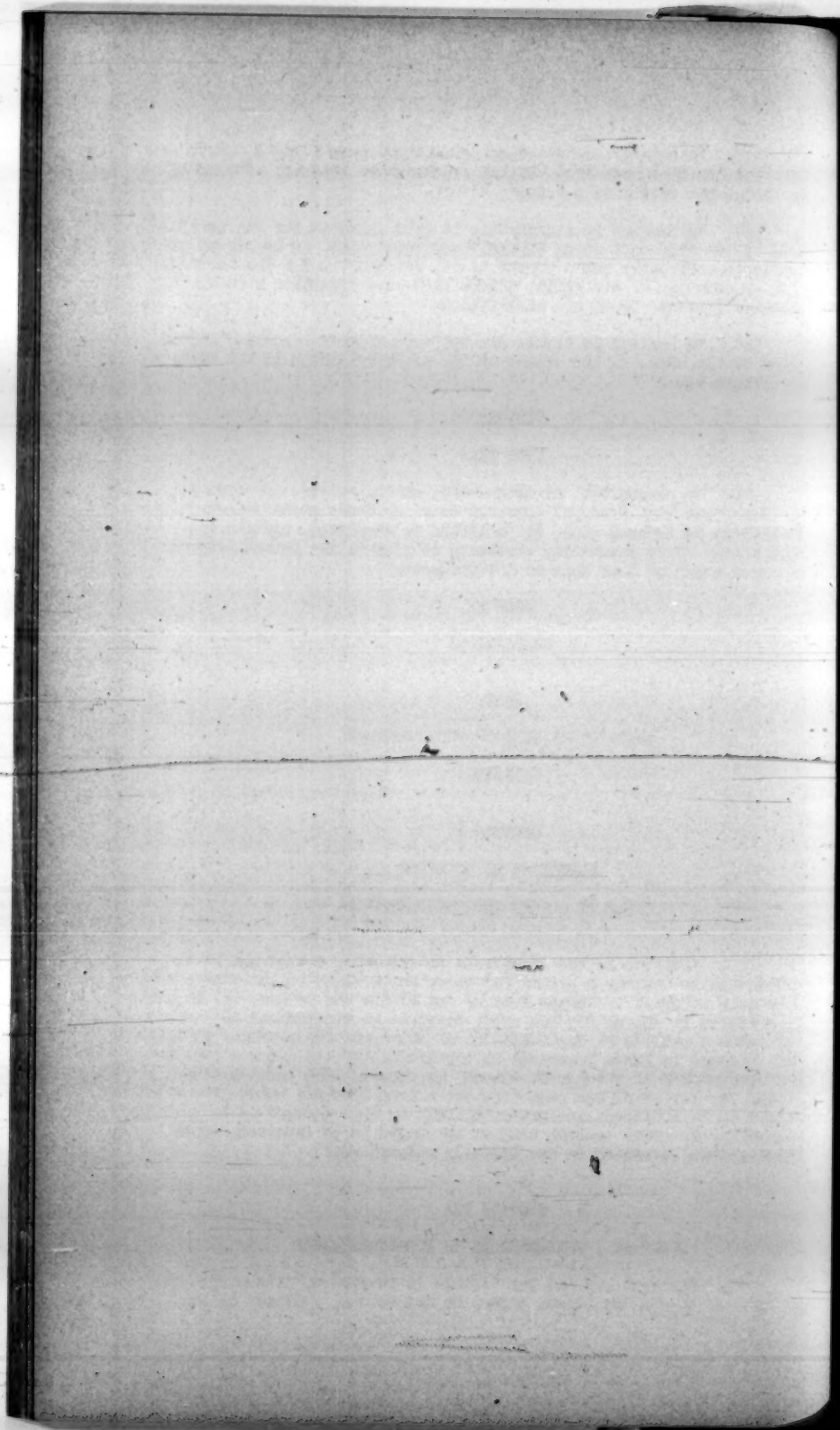

287. "Contracts to create or transfer interests in land, and marriage articles, are specifically enforceable, provided that they satisfy the requirements of Code 220-221."

SECTION V

DISCHARGE OF CONTRACT

335. "Contracts falling within Code 220 and 222 may be discharged by oral agreement; and a substituted agreement which is unenforceable because it fails to comply with the requirements of those Codes may yet operate as a discharge of such a contract."

PART II

OBLIGATIONS ARISING FROM

PARTICULAR CONTRACTS

SECTION VIII

PARTNERSHIP

593. "A person, being the widow or child of a deceased partner, receiving by way of annuity a portion of the profits made in the business in which the deceased person was a partner, is not, by reason only of such receipt, a partner in the business, or liable as such."

SECTION X

INSURANCE

693. "A policy of insurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, creates a trust in favour of the objects therein named; and the moneys payable under such policy do not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or become subject to his or her debts. But if it is proved that the policy was effected and the premiums paid, with intent to defraud the creditors of the insured, the latter are entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid."

695. "Subject to Codes 693, 694, no man is presumed, by the mere fact of the relationship, to have an interest in the life of his child, brother, sister, or creditor; but a wife has an interest in the life of her husband, and vice versa, a man or woman in that of his or her debtor or co-surety, and (presumably) an infant, but not an adult, in that of his parent. Every person is deemed to have an unlimited interest in his own life."

PART III

OBLIGATIONS ARISING FROM

QUASI-CONTRACT AND TORT

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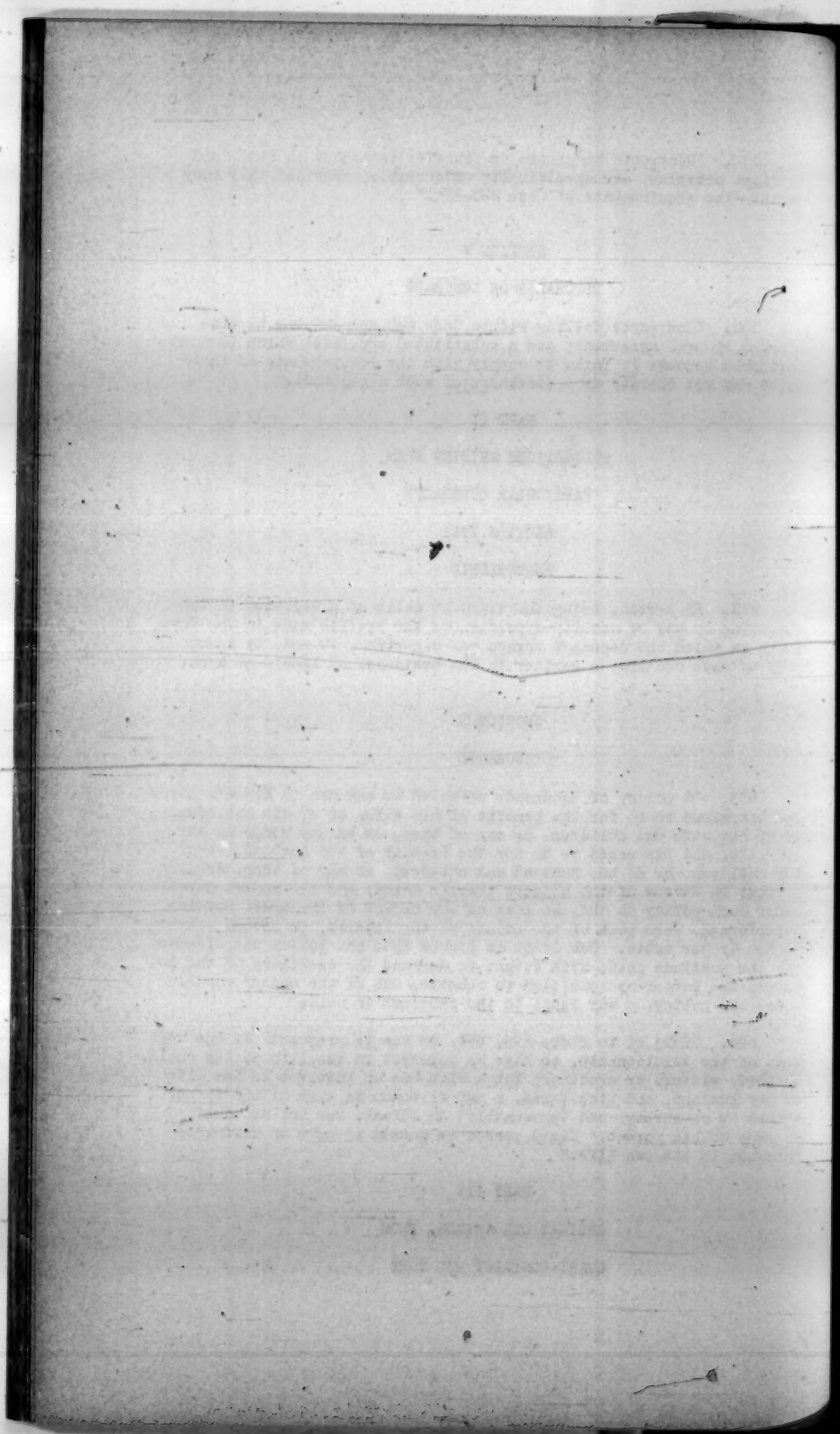

B - TORT

SECTION I

GENERAL

TITLE III - CAPACITY IN RESPECT OF TORTS

763. "A married woman may sue or be sued in respect of torts committed against or by her before or during the marriage, as if she were a feme sole; and her husband need not be joined. But damages recovered against her in such an action are payable only out of her separate property not restrained from anticipation."

(Before the Act the separate estate of a married woman was not liable in equity for her general torts (Wainford v. Heyl (1875) L. R. 20 Eq. 321). But at common law a married woman could be sued for her torts; though, if her husband was not joined, she could plead her coverture in abatement. If sued jointly with her husband, judgment went against both; and she could be taken in personal execution. If it then appeared that she had no separate estate, the Court would discharge her as a matter of indulgence (Scott v. Morley (1887) 20 Q. B. D. 120).

764. "Husband and wife cannot sue one another in tort; except that a wife may bring an action against her husband for the protection and security of her separate property."

(It appears that the same rule prevails between divorced persons, in respect of torts committed during the marriage. (See Phillips v. Barnet (1876) I Q. B. D. 436.) The rule does not prevent a married woman suing her husband to set aside a deed obtained by fraud (Hulton v. Hulton (1916) 2 K. B. 642).

SECTION IV

TORTS IN RESPECT OF THE PERSON

TITLE I - TRESPASS TO THE PERSON

SUB-TITLE A. ASSAULT AND BATTERY

899. "An alleged assault or battery may be justified or excused on any of the following grounds:-

> that the act complained of was done by the defendant for the necessary defense of himself or herself, his wife or her husband, parent, child, master, or servant, against the plaintiff (son assault demesne), and that the force used was not unreasonable in the circumstances."

SUB-TITLE B. FALSE IMPRISONMENT

905. "A father or other lawful guardian, unless deprived of his right by the Court, is entitled to exercise such restraint upon the body of his infant (? unmarried) child or ward, as will enable him to retain it within his custody or control; though the Court will usually consider the wishes of an infant who has attained years of discretion. No such right exists at the present day in a husband in respect of the body of his wife; except, possibly, for the purpose of preventing her committing adultery."

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TITLE III - STATUTORY COMPENSATION FOR ACCIDENTS AND INDUSTRIAL DISEASES (WORKMEN'S COMPENSATION)

933. "The "dependants" of a deceased workman, for the benefit of whom statutory compensation may be obtained, comprise such of the following relatives, viz.: the wife, husband, parents, grand-parents, step-parents, children, grand-children, step-children, brother, sister, half-brother, and half-sister of the workman, as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would, but for his incapacity due to the accident, have been so dependent."

SECTION V

TORTS IN RESPECT OF DOMESTIC AND CONTRACTUAL RELATIONS

TITLE I - SEDUCTION

936. "A man who debauches a woman to whose services another person is entitled, and thereby causes her to become pregnant or ill, so that such other person loses her services, is liable to an action for damages at the suit of such other person. The woman debauched cannot bring the action; nor can a husband bring the action for the debauching of his wife."

937. "In order to succeed in this action, the plaintiff must prove (I) that the debauching took place, and (2) that the pregnancy or illness occurred, whilst the woman debauched was in his service."

(Thus, if a daughter living with her father is debauched in his lifetime, and becomes pregnant after his death, her mother cannot bring the action (Hamilton v. Long (1903) 2 I. R. (K. B. D.) 407; (1905) 2 I. R. (K. B. D.) (552).)

941. "Where the plaintiff is the parent of, or stands in loco parentis to, the woman debauched, and the latter was living in his house at the time when the offence was committed, his claim to the services of the woman debauched will be presumed on slight evidence. Where the woman is a minor, but of an age to render domestic service, there is a presumption that such service is being rendered."

945. "The fact that an application by the woman alleged to have been debauched, for an affiliation order against the defendant has been granted or refused by a court of summary jurisdiction, is not an estoppel in an action under this Title."

947. "Where the defendant has debauched the woman under the guise of honourable courtship, evidence of this fact may be given in aggravation of damages for the seduction. But the jury is not entitled to include in the damages assessed any compensation for breach of promise of marriage."

948. "The general levity of character of the woman debauched, and even her improper conduct or conversation, may be proved in mitigation of damages."

TITLE II - LOSS OF CONSORTIUM

950. "A person who, without lawful excuse, knowingly and wilfully persuades or procures a woman to leave her husband against the latter's will, whereby the husband is deprived of the society and comfort of his wife, is liable to an action for damages by the husband."

(There is now no action merely for debaughing a wife; the old action of crim. con. having been abolished by s. 59 of the Divorce Act, 1857. But, under that Act, damages may be awarded against a co-respondent who has been guilty of adultery with the wife, on a petition by a husband for divorce or judicial separation, or for damages only (s. 33); and the principles of the old action are expressly preserved. (See post, Bk. IV., Sect. I., Tit. V., Code 1895.))

951. "A husband has also a right of action for damages against any person who, without lawful excuse, knowingly receives, harbours, and detains his wife against his will."

952. "No such action as that described in Code 951 will lie if either:-

the plaintiff and his wife were living apart by agreement, or were judicially separated, when the act of the defendant took place; or

the plaintiff has been guilty of cruelty to his wife, and the defendant harbours the wife from motives of humanity; or

the defendant has reasonable grounds for believing that the husband has been guilty of cruelty to his wife, and harbours the wife from similar motives."

953. "Subject to Code 954, where the defendant has, either intentionally or by neglect of some duty existing independently of contract, inflicted physical harm upon a woman, and thereby deprived her husband of her comfort and society, he is liable to an action for damages by the husband in respect of such loss. The right of the husband is in addition to, and independent of, any right which the wife herself, or the husband in her name, may have to bring an action for the injury inflicted on her."

954. "A husband whose wife, and a wife whose husband has been killed under circumstances giving rise to an action under the Fatal Accidents Act, 1846 (ante, Code 786) may maintain an action under that statute against the person causing her death. Apart from statute, no action of Tort can be maintained in respect of the death of the plaintiff's husband or wife."

955. "Subject to Code 954, a wife has (probably) no right to bring an action for loss of the society and comfort of her husband."

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SECTION VIII

TORTS IN RESPECT OF THE REPUTATION

(DEFAMATION)

997. "Proof of damage in fact is not necessary to sustain an action for libel; or for slander where the words spoken attribute to the plaintiff (I) an offence rendering him liable at the time when the words were spoken to corporal punishment, or (II) misconduct or incapacity, at such time, in his office, trade, calling, or profession, or (III), where the plaintiff is a trader, insolvency at such time, or (IV) the suffering at such time from a contagious disease, or (V) if the plaintiff is a female, unchastity. But, in other cases of Defamation, damage is of the gist of the action."

(f) Slander of Women Act, 1891 (In an action,founded on this statute, the plaintiff cannot recover more costs than damages; unless the judge certifies that there was reasonable ground for the action.)

998. "For the purposes of a civil action, defamatory matter is deemed to have been published by the defendant, if it has been brought by him or his agent to the knowledge and understanding, of a person other than the plaintiff; whether such communication was made intentionally or by mistake. Communication to the wife of the plaintiff is, but communication to the wife of the defendant, is not, publication."

1018. "(Somble) a woman whose husband has refused to live with her in consequence of a defamatory statement made concerning her, cannot, in an action of Defamation, obtain damages for loss of his society."

BOOK III

PROPERTY

A - LAND

SECTION I

INTERESTS IN LAND

TITLE III - ESTATES TAIL

1054. "An estate tail is an estate which is descendible on the death of its owner to all the lineal issue of the original donee, or of a person who was his lineal ancestor, in due order of inheritance ("estate tail general"), or, in due order, to all the lineal issue of such person by a particular husband or wife or by a husband or wife of a specified class or description ("estate tail special"), or to and through the male or female lineal issue of such person or persons ("estate in tail male" (or "female")

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1055. "An estate tail general is created by a limitation, in an assurance by deed, to the donee "and the heirs of his body," or, in the case of deeds executed after 31st December, 1881, to the donee "in tail." An estate tail special is created in an assurance by deed by a limitation to the donee "and the heirs of his (her) body by his (her) wife (husband)" (naming or describing such wife or husband). An estate in tail male (or female) is created by a limitation in a deed to the donee "and the heirs male (or female) of his body"; or, in the case of deeds executed after 31st December, 1881, to the donee "in tail male" (or "Female"). Any of such kinds of estate tail may be created by a devise in any words from which the testator's intention to create such kind of estate can be gathered."

1060. "No dowress, bare trustee, heir, executor, administrator, or assign becomes protector of a settlement by virtue of any estate taken in such capacity."

TITLE V - COPYHOLDS AND CUSTOMARY

FREEHOLDS

1090. "The beneficial owner of an estate in possession in the manor as tenant for term of years ("lord farmer") or any greater interest, is the lord of the manor for the purpose of making grants of copyhold estates. But the lord of a manor cannot make a grant to himself, or (semble) to his wife, of an estate to be held by copy of court roll."

1112. "No enfranchisement made under the Copyhold Act, 1894, affects -

the dower, freebench, or courtesy, of any person married before the date at which the enfranchisement takes effect."

BOOK III

SECTIONS I (continued) AND II

PROPERTY (continued)

A—LAND (continued)

SECTION I

INTERESTS IN LAND (continued)

TITLE XI—EQUITABLE INTERESTS IN

LAND

1306. "Generally speaking, as regards rules of inheritance, limitation, and construction, rules of validity and invalidity, the varieties of interests which can be created, the incidence of curtesy, dower, and other similar claims, and the liability for the debts of their owners, equitable interests are subject to the same law as the corporeal or incorporeal hereditaments out of which they are limited."

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"But:—

there is no direct liability for incidents of tenure upon an equitable interest or the owner thereof;

an equitable contingent remainder cannot fail by reason of the determination of the particular estate before the contingency happens."

1307. "Where, after the 14th August, 1884, a person has died without heir and intestate in respect of any real estate consisting of an equitable interest in any corporeal or incorporeal hereditament, whether devised or not devised to trustees by the will of such person, such equitable interest will pass to the Crown."

SECTION VI

OVERRIDING POWERS AFFECTING LAND

TITLE I—POWERS OF APPOINTMENT

1464. "Powers of appointment are either 'general,' where the donee may exercise them in favour of any persons he pleases; or 'special,' where the donee may only exercise the power in favour of a limited class of persons. The donee of a general power may exercise it in his own favour, or in favour of the donee's wife or husband."

1465. "Generally speaking, a power of appointment can only be exercised in manner and with the formalities prescribed by the settlement creating the power, and by an act intended to exercise the power."

"But:—

the Court, in its discretion, may, where the appointor's intention is clear, supply any want or defect in the exercise of the power, not going to the substance thereof, in favour of creditors, purchasers, a wife, or blood relatives of the donee of the power, or charities."

TITLE II—STATUTORY POWERS OF LIMITED OWNERS

1478. "A 'tenant for life,' for the purposes of this Title, means any person who is, for the time being, under a settlement as defined in Secs. 1476 and 1477, beneficially entitled to the possession or income of settled land for his life, or any two or more persons who are jointly or concurrently so entitled; whether he or they has or have assigned his or their interests or not, and whether the income is subject to charges or incumbrances, or a trust for accumulation, or not."

1480. "The following persons have, when the estate or interest of each of them is in possession, the powers of a tenant for life as defined in this Title, viz.:—

A married woman entitled for her separate use, whether restrained from anticipation or not, to any interest which, had she been a feme sole, would have constituted her a tenant for life, or given her the powers of a tenant for life."

1495. "A dowress, or a husband entitled to the profits of land of which his wife is seised in fee, may make leases of the land (except the principal mansion house and demesne) for any term not exceeding twenty-one years, to take effect within one year from the making thereof."

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SECTION VII

INCAPACITY TO HOLD AND ALIENATE LAND

TITLE I—MINORS

1500. "A male minor of the age of twenty years and a female minor of the age of seventeen years may, with the sanction of the Court, upon or in contemplation of his or her marriage, make a valid settlement or contract for a settlement of all or any part of his or her property, or property over which he or she has any power of appointment."

"But:—

a minor cannot, by virtue of the above provision, exercise a power of which it is expressly declared that it is not to be exercised by a minor;

where any power of appointment has been exercised, or any disentailing assurance executed, by a minor tenant in tail, by virtue of the above provision, and such minor dies before attaining majority, such appointment or disentailing assurance thereupon becomes absolutely void."

TITLE II—MARRIED WOMEN

1506. "A married woman can acquire land in the same manner as a man or a feme sole. If married after 31st December, 1882, as regards all her interest in land, and, if married on or before that day, as regards all her interests since acquired, she can (subject to any restraint on anticipation (ante, Bk. I, Sec. 105) dispose of them in the same manner as a feme sole. If married on or before that day, she can only (subject to Sec. 1508) dispose of or disclaim, by deed acknowledged, with the concurrence of her husband, under the Fines and Recoveries Act, 1833, interests in land (other than copyholds) acquired, otherwise than to her separate use, on or before that day."

1507. "'Freehold land' may be conveyed by a husband to his wife, and by a wife to her husband, alone, or jointly with another person, by the like means by which it might be conveyed by him or her to another person."

1508. "Even in cases to which the Married Women's Property Acts do not apply, a married woman may exercise, without the concurrence of her husband, any power of appointment, whether coupled with an interest or not; unless the settlor has expressly or by implication prohibited such exercise. And a married woman may release or disclaim any power; except in such away as to remove a restraint on anticipation."

1509. "A married woman may, without the concurrence of her husband, and whether the Married Women's Property Acts apply, or not, elect between two alternative benefits, so as to bind her land; but not so as to release herself from a restraint on anticipation."

1510. "A married woman may dispose, or join in disposing, in the same manner as a feme sole, and without the concurrence of her husband, of any property which she holds, solely or jointly, as trustee or personal representative."

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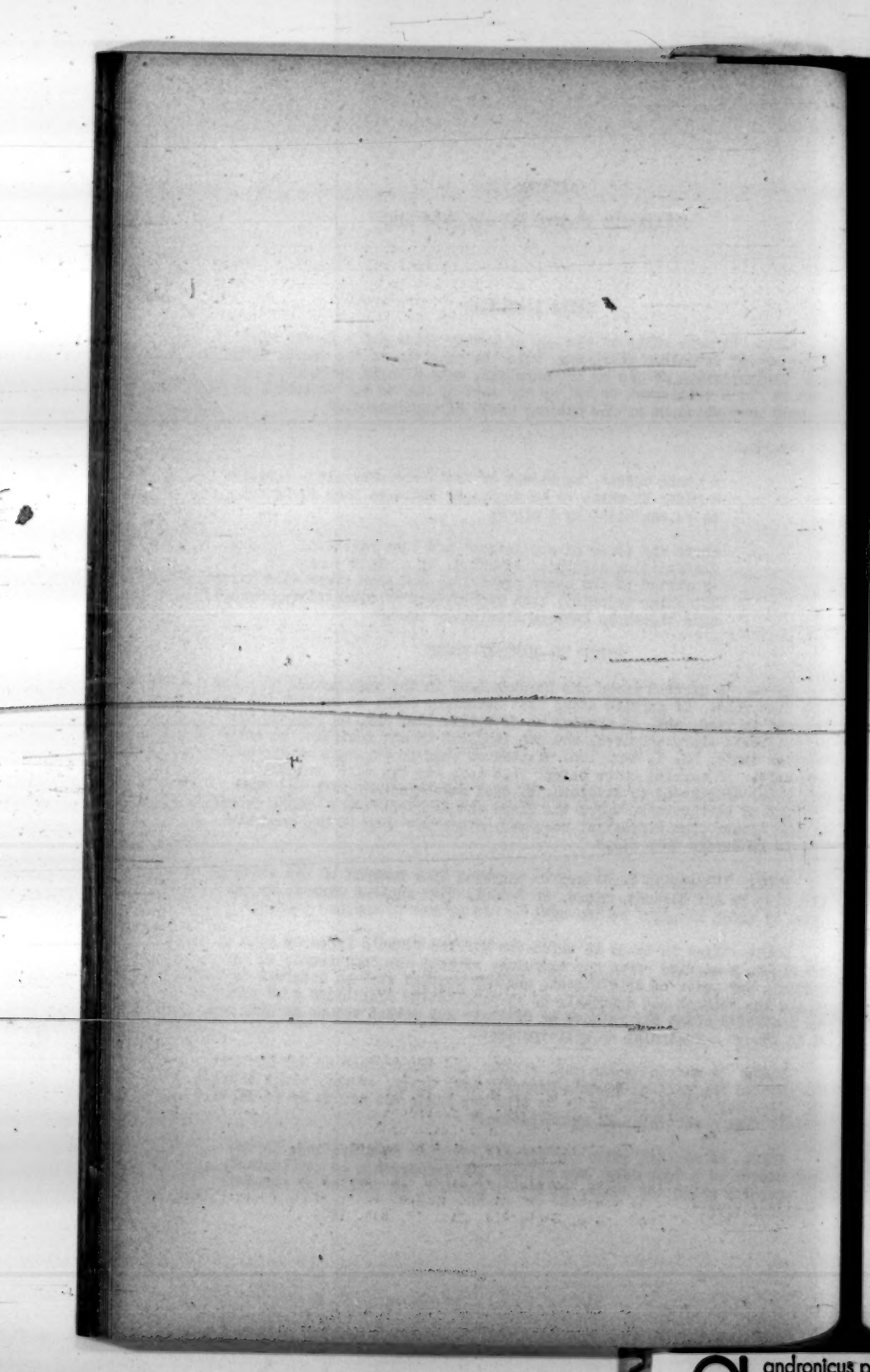

1511. "A married woman, being, either alone or jointly with her husband, protector of a settlement (ante, Sect. I, Tit. III, Sec. 1059), may give her consent to the disposition of a tenant in tail, in the same manner as if she were a feme sole; except that, if she is protector by virtue of an estate which is not her separate property, her consent is not effectual unless her husband joins. A married woman, being a tenant in tail, may bar the entail, and, being entitled to a 'long term' (ante, Sect. I, Tit. VI, Sec. 1155) may enlarge the same; notwithstanding that, in either case, she is restraint from anticipation in respect thereof."

1512. "For the purposes of the Copyhold Act, 1894, a married woman, being lady or tenant of a manor, is deemed to be a feme sole."

B—CHATTELS CORPOREAL

SECTION IX

OWNERSHIP OF CHATTELS CORPOREAL

TITLE I—GENERAL

1544. "Any prohibition against alienation attached to the gift of chattels corporeal, other than a restriction affecting a life interest (ante, Sect. I, Tit. IV, Sec. 1079) or the interest of a married woman (ante, Bk. I, Secs. 105–108), is void."

TITLE II—SPECIAL KINDS OF OWNERSHIP

1549. "(Semble) Personal ornaments and articles of wearing apparel given by a husband to his wife, not for her separate use, but in order to maintain the credit of his establishment, cannot be alienated by the wife during the marriage, and remain liable to satisfy the husband's debts during his lifetime and after his decease. But, if the husband does not alienate them during his lifetime, he cannot deprive his wife of them by testament, nor do they pass to his personal representatives after his decease."

SECTION XII

INCAPACITY TO HOLD AND ALIENATE CHATTELS CORPOREAL

1612. "A minor has the same statutory power of making, with the consent of the Court, a binding settlement on his or her marriage, of chattels corporeal as if land."

1613. "A married woman may acquire and, subject to any restraint on anticipation (ante, Bk. I, Sec. 105), dispose of chattels corporeal, either in her own right or as trustee or personal representative, and may exercise any power in respect of such chattels, unless the donor of the power has expressly or by implication forbidden such exercise by a married woman. And a married woman may release or disclaim any power; except in such a way as to remove a restraint on anticipation."

1614. "A married woman may elect so as to bind her interests in chattels corporeal, to the same extent and subject to the same restrictions as in the case of land (ante, Sect. VII, Tit. II, Sec. 1509)."

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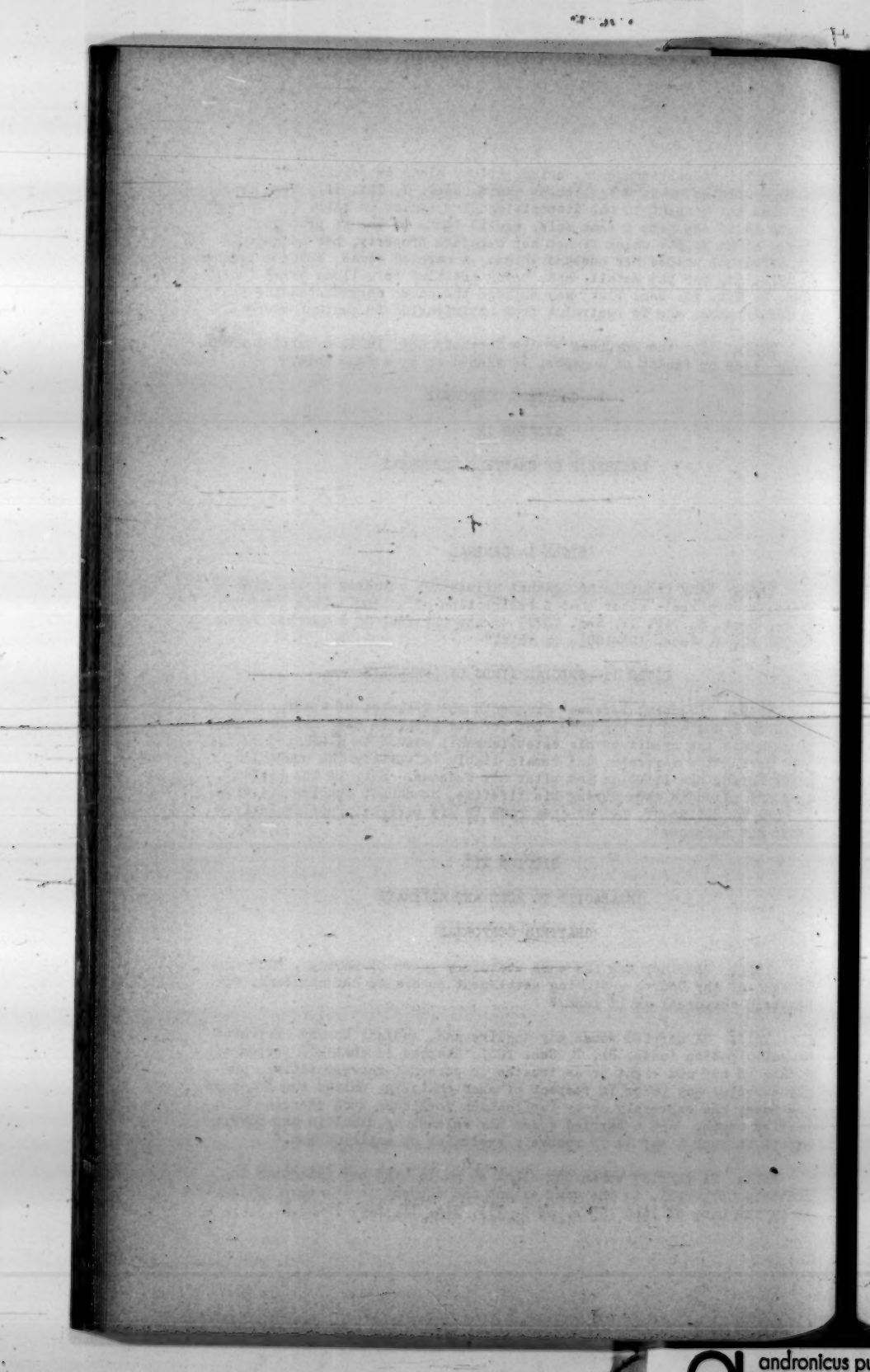

BOOK III

PROPERTY (continued)

C- -CHOSES IN ACTION

SECTION XIII

NATURE AND DEFINITION OF CHOSES

IN ACTION

TITLE I- -GENERAL

SECTION XIV

ALIENATION OF CHOSES IN ACTION.

1617. "For the purposes of this and the next following Section, the term 'chose in action,' unless otherwise specified, includes all kinds of incorporeal personal property, other than (I) rights immediately connected with land, (II) rights to sue for unliquidated damages, (III) rights arising by virtue of trusts, (IV) rights to shares in the estates of deceased persons, and (V) negotiable instruments."

TITLE II-INVOLUNTARY

ALIENATION

1708. "For the purposes of Section 1707, 'debt' includes (I) a sum of money in the hands of a receiver in an administration action, payable to the judgment debtor, (II) the proceeds of an execution levied by the sheriff at the suit of the judgment debtor, (III) an annuity or other sum of money in the hands of trustees, payable to the judgment debtor, (IV) money arising from the property of a married woman restrained from anticipation (ante, Bk. I, Secs. 105-108), provided that it was payable to her before the date of the garnishor's judgment, and (V) funds received by an Insurance Committee for distribution among the doctors on its panel."

SECTION XV

INEFFECTUAL ALIENATIONS OF PROPERTY

TITLE II- -UNDER THE BANKRUPTCY

ACT AND THE COMPANIES ACT —

1724. "Any voluntary settlement (as defined in Sec. 1725) will (subject to Sec. 1727) be void, as against his trustee in bankruptcy, if the settlor becomes bankrupt within two years of the date of the settlement; and it will be void as against such trustee if the settlor becomes bankrupt within ten years of such date, unless the parties claiming under the settlement can prove that the settlor was, at the time of making the settlement, able to pay all his debts without the aid of the property comprised in the settlement, and that the beneficial interest of the settlor in such property (had) passed to the trustee of such settlement on the execution thereof."

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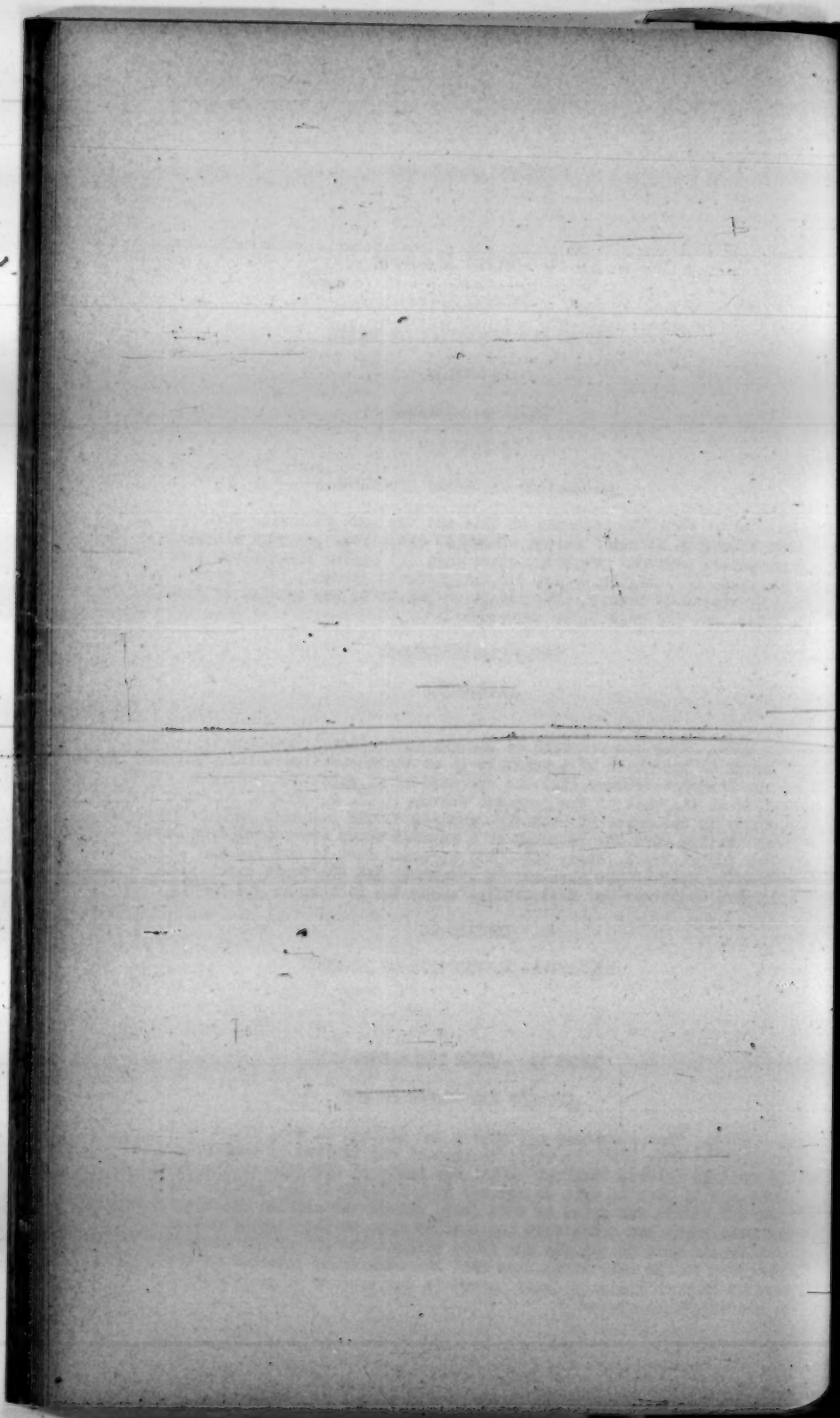

1725. "A settlement, for the purposes of Sec. 1724 of this Title, means any conveyance or transfer of property which is intended to be retained and preserved as the property of the transferee, not being a conveyance or transfer made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a conveyance or transfer made to or for the wife or children of the settlor, of property which as accrued to the settlor after marriage in right of his wife."

1726. "Any convenant or contract made by any person in consideration of his or her marriage, for the future payment of money for the benefit of, or for the future settlement of property wherein, at the date of the marriage, the settlor had no interest, on, the settlor's wife, husband, or children, will, if such money or property is not in right of the settlor's wife or husband, be void, in the event of the settlor being adjudged bankrupt, against his trustee in bankruptcy, in so far as such convenant or contract has not been executed at the date of the commencement of the settlor's bankruptcy."

1727. "Notwithstanding the express words of Sec. 1724, a purchaser in good faith and for valuable consideration from the donee under a voluntary settlement (as defined in Sec. 1725) will be protected against the settlor's trustee in bankruptcy, if he acquires the property before the making of the receiving order against the settlor."

SECTION XVI

CO-OWNERSHIP

TITLE I- -GENERAL

1743. "Co-ownership includes every kind of ownership by two or more persons which involves the undivided enjoyment of property, and, in the case of the co-ownership of a present interest, in so far as such interest is capable of possession, undivided possession. The forms of co-ownership recognized by English law are (i) joint ownership, (ii) ownership in common, and (iii) in the case of real estate only, co-parcenary. Owners of successive interests in the same land are not co-owners."

1750. "(Semble) When there is a conveyance of property to a husband and wife and others, whether as joint owners or owners in common, it is a question of construction whether the husband and wife take only a single share, or each a share equal to that of each of the others."

TITLE II- -JOINT OWNERSHIP

1751. "Any conveyance or transfer of property to two or more persons, without words of severance, will (subject to Secs. 1752, 1754, 1755, post) create a joint ownership in such persons. The interests of all joint owners must be of the same extent and duration."

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1752. "A conveyance of land to two persons who cannot possibly intermarry, or to three or more persons, and the heirs of their bodies, will make such persons joint tenants for life, with remainder to them as tenants in common in tail of equal shares. But a similar conveyance to two persons who might possibly intermarry, will make such persons tenants in tail special (ante, Sect. I, Tit. III, Sec. 1054)."

1753. "On the death of one joint owner, his interest passes (subject to Secs. 1754-1756, post) to the surviving joint owner or owners; notwithstanding any disposition by the testament of the deceased joint owner."

1754. "When property is vested in two or more persons jointly as partners in a trade or business, for any legal interest, that interest will, on the decease of one of them, survive to the other or others. But such other or others will, so far as necessary, be deemed trustees for the deceased partner's representatives of the beneficial interest (if any) which belonged to the deceased partner at the time of his death."

1757. "Any invalid alienation, legal or equitable, of the share of any joint owner, whether to a person not being a joint owner with him, or to one of two or more being joint owners with him, works a severance of the legal or equitable interest respectively, in such share, and makes the alienee an owner in common with the other joint owner or owners. But (semble) a mere demise for years of a joint share at the rack rent does not effect a severance of the reversion."

TITLE IV- -CO-PARCENARY

1762. "Where, under the law of inheritance, real estate descends upon two or more persons as co-heirs of the purchaser or person last entitled, such persons are said to hold the estate as co-parceners."

1764. "The shares of co-parceners are distinct, though undivided; and, notwithstanding the Inheritance Act, 1833, will descend separately to the heirs of each co-parcener."

SECTION XVII

FIDUCIARY OWNERSHIP (TRUSTS)

TITLE II- -APPOINTMENTS AND REMOVAL

OF TRUSTEES

1775. "Any person, corporate or individual, including a miner, a married woman, a bankrupt, and a convict, is capable of being a trustee; but no one can be compelled to become a trustee against his will."

1780. "The Court may, on application by a settlor or intending settlor, or by any trustee or beneficiary, in its discretion appoint a judicial trustee, either as a sole or joint trustee, and, if sufficient cause is shown, in place of all or any existing trustees. Such person may be either a fit and proper person nominated in the application, or, in the absence of such nomination, or if the Court is not satisfied with

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the fitness of the person so nominated, an official of the Court. In either case, the judicial trustee will be subject to the control and supervision of the Court, which may give him any general or special direction in regard to the trust or the administration thereof. The Public Trustee may be appointed a judicial trustee under this Sec."

TITLE V- -RIGHTS OF TRUSTEES

1816. "Where a beneficiary has instigated, or consented in writing to, a breach of trust, his beneficial interest may, in the discretion of the Court, be impounded to recoup the trustee for any liability incurred by him through such breach; even where the beneficiary is a married woman restrained from anticipation (see ante, Bk. I, Sect. III, Tit. II, Secs. 105-108)."

BOOK IV

FAMILY LAW

SECTION I

MARRIAGE

TITLE I- -CELEBRATION OF MARRIAGE

1835. "A marriage may be celebrated in England:—

according to such form and ceremony as the parties may see fit to adopt, provided that each party shall say: "I do solemnly declare, that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C. D." and ("I call upon these persons here present to witness that) I, A. B., do take thee, C. D., to be my (lawful) wedded wife" (or "husband")."

1836. "A marriage according to the rites of the Church of England must be celebrated by, and in the presence of, a minister in Holy Orders of the Church of England, and of two or more witnesses. A person (even though in Holy Orders) cannot validly celebrate his own marriage."

1837. "A marriage not according to the rites of the Church of England, or the usages of the Quakers or Jews, must be celebrated, if in a registered building, in the presence of some Registrar of Births, Deaths, and Marriages, of the district in which such building is situated, or in the presence of an 'authorized person' appointed under the Marriage Act, 1898; if at the office of a Superintendent Registrar of Births, Deaths, and Marriages, in the presence of him and of some Registrar of the district. In each of these cases the presence of two witnesses is also required."

1839. "When a marriage is to be celebrated not in accordance with the rites of the Church of England, it is necessary that, within three months before the celebration of such marriage, either:—

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a Superintendent Registrar's certificate be obtained, as provided in Sec. 1840, post; or,

A Superintendent Registrar's certificate and licence be obtained as provided in Sec. 1841, post."

1840. "A Superintendent Registrar's certificate is obtained as follows:

Notice in writing of the intended marriage must be given by one of the parties to the Superintendent Registrar of the district in which the parties have had their usual place of abode and residence for not less than seven days next preceding, or, if they dwell in different districts, to the Superintendent Registrar of each district, in a prescribed form. The Superintendent Registrar must forthwith enter a copy of such notice in a book kept by him, called the Marriage Notice Book, and cause the notice to be suspended or affixed in his office, in some conspicuous place."

"Such notice, or a copy thereof, must remain exhibited in the office of the Superintendent Registrar for twenty-one days."

"After twenty-one days from the entry of such notice in the Marriage Notice Book, the Superintendent Registrar must (subject to Sec. 1845, post) issue to the person giving such notice a certificate in the prescribed form of such notice having been given."

1841. "A Superintendent Registrar's certificate and licence is obtained as follows:—

Notice in writing of the intended marriage, stating that such marriage is to be by licence, must be given by one of the parties to the Superintendent Registrar of the district in which the party giving such notice has had his usual place of abode or residence for the space of fifteen days immediately preceding. The Superintendent Registrar must forthwith enter a copy of such notice in the Marriage Notice Book; but the notice must not be suspended in the office of the Superintendent Registrar."

"After the expiration of one whole day after the entry of such notice in the Marriage Notice Book, the Superintendent Registrar must (subject to Sec. 1845, post) issue to the person giving such notice, a certificate of such notice having been given, and also a licence to marry."

1842. "The consent of the following persons is (subject to Sec. 1843, post) required for the marriage of any minor, not being a widow or widower:—

if the father is not living, the guardians of the minor or one of them (including the mother), not being guardians or a guardian appointed by the Court;

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if there is no such guardian, the mother, being unmarried;

if there is no mother unmarried, the guardian or guardians (if any) appointed by the Court, or one of them."

"If there is no such person, no consent is required."

1847. "A marriage not celebrated in accordance with the rites of the Church of England must be celebrated in the place specified in the notice and certificate described in Secs. 1840, 1841, ante. Such place must (except in the case of marriages celebrated in accordance with the usages of the Quakers or Jews) be a registered building, or the office of the Superintendent Registrar."

TITLE II--INVALID AND VOIDABLE MARRIAGES

1850. "A marriage celebrated in England is void unless celebrated substantially in one of the ways specified in Tit. I, Secs. 1836, 1837, ante."

1853. "A marriage is void if either of the parties was, at the date thereof, a lunatic who has been so found by inquisition or whose person and estate had been committed to the care and custody of particular trustees; unless he had before such marriage, been declared sane by a competent Court, or by such trustees or the majority of them."

1854. "A marriage is void if, at the date thereof, either party was lawfully married to some other person; even if one or both of the parties was ignorant of the previous marriage, or believed that it had been dissolved by death or otherwise."

1855. "A marriage is void:—

if the parties to it are related to one another lineally, or as brother and sister, uncle and niece, aunt and nephew;

if (subject to Sec. 1856, post) one of the parties is related, through a former wife or husband, to the other in one of the degrees or ways specified in (i)."

"Relationship of the half-blood has in this respect the same effect as relationship of the whole blood; and illegitimate blood relationship the same as that of legitimate. But illicit carnal connexion does not constitute affinity."

1856. "No marriage contracted between a man and his deceased wife's sister (including her half-sister), whether before or after 28th August, 1907, is to be deemed void or voidable, as a civil contract, only because of such affinity; but if, before that day, any such marriage had been annulled, or either party thereto (after the marriage and during the life of the other) had lawfully married another, such marriage is to be deemed to have become void upon the day upon which it was so annulled, or upon which either party thereto so married."

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1857. "The marriage of a male under the age of fourteen years, or of a female under the age of twelve years, is voidable at the option of such person, and, possibly, of the other party. Such person, and, possibly, the other party to the marriage, may, when such person attains the prescribed age, either affirm or repudiate the marriage. Cohabitation after attainment of the prescribed age amounts to affirmation of the marriage."

1858. "A marriage will be declared void by the Court on the ground of the insanity of either of the parties, existing at the time of the marriage; if the insanity was such as to prevent the insane party from understanding the nature of the contract of marriage and the duties and responsibilities which it creates. The sane, as well as the insane, party may apply to the Court to have the marriage declared void on this ground."

1859. "A marriage may be declared void by the Court on the ground that one of the parties went through the form of marriage without freely consenting thereto. (Semble) only the party whose want of consent is alleged may apply to have the marriage declared void on this ground."

1860. "Where there is free consent to a marriage, no fraud or mistake inducing the consent is a ground for declaring the marriage void."

1861. "A marriage may be annulled, at the instance of one of the parties, on the ground of the permanent and incurable incapacity, existing from the celebration of the marriage, on the part of the other, to have sexual intercourse. The Court may, in its discretion, annul the marriage on the application of an impotent party; but such discretion is one which is very carefully exercised, and, semble, the Court will not annul a marriage at the suit of a merely unwilling party. Such marriages are voidable only, not void; and remain valid until annulled by the Court acting in its matrimonial jurisdiction."

1862. "The Court will refuse to annul a marriage on the ground of such incapacity or unwillingness as is mentioned in Sec. 1861, ante, if the petitioner is guilty of 'insincerity.' Delay in presenting a petition for annulment, if not satisfactory explained, is evidence of insincerity; but is not in itself a ground for refusing relief."

TITLE III—JACTITATION OF MARRIAGE

1863. "If a person persistently and falsely alleges that he is married to another, the latter may, in a suit of jactitation of marriage, obtain a decree forbidding the former to make such allegations. No such decree will be granted in favour of a person who has at any time acquiesced in the making of such allegations by the other party."

TITLE IV—RIGHTS AND DUTIES ARISING OUT OF MARRIAGE

1864. "Husband and wife are under a duty to each other to cohabit, unless they have been judicially separated or have mutually agreed to separate, or unless one party has deprived himself of the right to require cohabitation by committing a matrimonial offence, or has otherwise so acted as to make it unreasonable that the other party should be required to cohabit."

1865. "If one party refuses to cohabit, the other may obtain from the Court a decree for restitution of conjugal rights. Such a decree cannot be enforced by attachment; but, where it is obtained by the wife, the Court may order that, in the event of the decree being disobeyed, the husband shall make to her such periodical payment as may be just, and may make an order for enforcing or securing to the wife such payments during the joint lives of the parties or any shorter period. Where the decree is obtained by the husband, and the wife is entitled to property, or is in receipt of any profits of trade or earnings, the Court may order a settlement to be made of such property, for the benefit of the husband and the children of the marriage, or of either or any of them, or may order part of such profits of trade or earnings to be periodically paid to the husband for his own benefit, or to the husband or any other person for the benefit of the children of the marriage, or either or any of them."

1866. "A husband is not entitled to use force, or to keep his wife in confinement, for the purpose of compelling his wife to live with him; nor is he entitled to a writ of Habeas Corpus for the purpose of restoring her to his custody."

1867. "It is the duty of a husband to maintain his wife according to his estate and condition; unless they are living apart through her fault."

1868. "A wife is under no liability to maintain her husband, except that, if she has separate estate, and her husband becomes chargeable to a Poor Law authority, a court of summary jurisdiction may make and enforce such order against her for the maintenance of her husband as it may make and enforce, under the Poor Law Amendment Act, 1868, s. 33, against a husband for the maintenance of his wife if she becomes chargeable to a Poor Law authority."

1869. "A husband is liable for expenses reasonably incurred in respect of the funeral of his wife, even though she was living apart from him at her death, and is entitled to be repaid or to retain, out of her property, any such expenses paid by him."

1870. "When a wife permits her husband to receive the income of her separate estate for their joint purposes, while the parties are living together and the husband is maintaining the wife, it is presumed that it was intended that such income should become the property of the husband."

1871. "When husband and wife are living together, or only temporarily living apart, and the wife makes savings out of money given to her by the husband for household purposes, or for the maintenance of herself and her children, such savings, and any investments representing them, belong to the husband; unless there is evidence that he intended them to be her property."

TITLE V--NULLITY, DIVORCE, AND JUDICIAL SEPARATION

1872. "The Court may pronounce a decree declaring a reputed or voidable marriage to be null and void on any of the grounds specified in Title II, ante; but subject to the conditions and in the discretion

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in that Title described. Such a decree is, in the first instance, a decree nisi only, not to be made absolute till after the expiration of six months from the pronouncing thereof, or such shorter time (not less than three months) as the Court shall specially order; and upon cause shown in the meantime to the Court by any person (including the King's Proctor) the Court may refuse to make absolute such decree nisi, on the ground of collusion, or on the ground that material facts were not brought before the Court."

1873. "A husband is entitled, subject to the provisions of this Title, to obtain from the Court a decree dissolving the marriage ('divorce'), if he proves to the satisfaction of the Court that his wife has, since the celebration of the marriage, been guilty of adultery. Adultery implies a voluntary act."

1874. "A wife is entitled, subject to the provisions of this Title, to obtain from the Court a decree dissolving the marriage, if she proves to the satisfaction of the Court that her husband has, since the celebration of the marriage, been guilty of:—

incestuous adultery, or,

bigamy with adultery; or,

rape; or,

sodomy or bestiality; or,

adultery coupled with such cruelty as without adultery would entitle her to a decree of judicial separation (post, Sec. 1880); or,

adultery coupled with desertion, without reasonable excuse, for two years or upwards, or coupled with desertion constituted by the fact of the husband having refused to comply with a decree of restitution of conjugal rights, whether the adultery was committed before or after the decree of restitution."

1875. "A wife who has obtained a decree for judicial separation from her husband on the ground of his cruelty, may afterwards obtain a decree for dissolution of marriage on proof of her husband's subsequent adultery."

1876. "The Court must dismiss any petition for divorce if it finds that—

the petitioner has, during the marriage, been accessory to or conniving at the adultery of the other party to the marriage; or,

the petitioner has condoned the adultery complained of; or,

the petition is present or prosecuted in collusion with either of the respondents."

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1877. "The Court is not bound to grant a decree for divorce if it finds that the petitioner has been guilty of:—

adultery during the marriage; or,

unreasonable delay in presenting or prosecuting the petition; or,

cruelty towards the other party to the marriage; or,

having deserted or wilfully separated himself or herself from the other party before the adultery complained of, without reasonable excuse; or,

such wilful neglect or misconduct as has conduced to the adultery."

1878. "Every decree for divorce is in the first instance a decree nisi, not to be made absolute till after the expiration of six months from the pronouncing thereof, unless the Court fixes a shorter time, which must, however, not be less than three months."

1879. "Upon cause being shown to the Court, by any person (including the King's Proctor) during the period between the pronouncing of the decree nisi, and the time when it can be made absolute, the Court may refuse to make absolute a decree nisi for divorce, on the ground of collusion, or on the ground that material facts have not been brought before the Court."

1880. "A husband or wife is entitled, subject to the provisions of this Title, to obtain from the Court a decree of judicial separation, if he or she proves, to the satisfaction of the Court, that the other party has, since the celebration of the marriage, been guilty of:—

adultery; or,

cruelty; or,

desertion without reasonable cause for two years or upwards, or desertion constituted by the fact of the other party having refused to comply with a decree for restitution of conjugal rights; or,

Semble, sodomy or bestiality, or an attempt to commit either of these offences."

1881. "The Court must dismiss any petition for judicial separation if it finds that the petitioner has:—

if judicial separation is sought on the ground of adultery, been accessory to or connived at the adultery of the other party; or,

condoned the matrimonial offence complained of; or,

presented or prosecuted the petition in collusion with the respondent; or,

committed adultery during the marriage, unless such adultery has been condoned."

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1883. "When a petition for judicial separation is presented on the ground of adultery, the fact that the petitioner has been guilty of cruelty or desertion is not a ground for dismissing the petition; unless such cruelty or desertion has conduced to the adultery. But (semble) this rule does not apply if the petition is presented on some other ground."

1885. "After a decree absolute for the dissolution of marriage, either party may marry again; but a man may not, during his divorced wife's lifetime, marry her sister. The decree also places the wife in the position of an unmarried woman in respect of property, contract, tort, and capacity to sue and be sued, and relieves the husband from liability for torts committed by the wife, whether before or after the decree."

1886. "The effect of a decree of judicial separation is to relieve the parties from the duty of cohabitation, and to place the wife, as from the date of the decree, in the position of an unmarried woman with respect to property of every description which she may acquire or which may devolve on her after such decree, whether in her own right or as personal representative or trustee, and for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding. And her husband is not liable in respect of any engagement or contract she may have entered into, or for any wrongful act or omission by her, or for any costs she may incur; except that when, upon a judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by her husband, he is liable for necessaries supplied for her use."

1887. "A wife may obtain from a court of summary jurisdiction an order providing that she be no longer bound to cohabit with her husband, in the following cases:—

> if her husband has been summarily convicted of an aggravated assault upon her within the meaning of the Offences against the Person Act, 1861, s. 43; or,
>
> if her husband has been convicted on indictment of an assault upon her, and sentenced to pay a fine of more than five pounds, or to a term of imprisonment of more than two months; or,
>
> if her husband has deserted her; or,
>
> if her husband has been guilty of persistent cruelty to her, or has been guilty of wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain, and by such cruelty or neglect has caused her to leave, and live separately from him."

"Such an order, while in force, has the effect in all respects of a decree of judicial separation on the ground of cruelty."

1888. "The Court may also, in the circumstances referred to in Sec. 1887, order that the husband shall pay to the wife personally, or for her use, such weekly sum, not exceeding two pounds, as it shall, having regard to the means of both parties, consider reasonable."

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1889. "A wife deserted by her husband may apply to a court of summary jurisdiction for an order called a 'protection order', and the Court may grant such order if satisfied that the wife has been deserted without reasonable cause, and that she is maintaining herself by her own industry or property. The effect of such order is to protect all earnings and property of the wife, acquired since the desertion, from the husband, and all creditors of the husband, and persons claiming under him; and the wife is, during the continuance of the order, in the like position in all respects with regard to property and contracts, and suing and being sued, as she would have been if she had obtained a decree of judicial separation."

1890. "On a decree for divorce or nullity of marriage, the Court may order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her life, as, having regard to her fortune (if any) to the ability of the husband, and to the conduct of the parties, it may deem reasonable; and may, if it thinks fit (in addition or in the alternative), order that the husband shall pay to the wife during their joint lives such monthly or weekly sum for her maintenance and support, as the Court may think reasonable. In case of a decree for divorce, an order may be made even in favour of a guilty wife."

1891. "When a decree for restitution of conjugal rights or for judicial separation is made, the Court may order the husband to pay until further order a periodical sum to his wife by way of maintenance or alimony; even if the decree is made in consequence of the wife's misconduct. Not more than one half of the joint income of husband and wife can be allotted as alimony."

1892. "The Court may make an order increasing, diminishing, or taking away, the amount payable as maintenance or alimony, under a decree for restitution of conjugal rights, or for judicial separation; if it appears that the means of the husband have increased or diminished respectively, or the wife has been guilty of misconduct."

1893. "When a husband has obtained a decree for divorce or judicial separation by reason of his wife's adultery, the Court may order such settlement as it thinks proper to be made of any property (whether in possession or reversion) to which the wife is entitled, for the benefit of the innocent party, and of the children of the marriage, or either or any of them."

1894. "When a final decree of divorce or of nullity of marriage is made, the Court may make such order as to the Court shall seem fit with regard to the application, either for the benefit of the children of the marriage or of the parties to the marriage, of property comprised in any ante-nuptial or post-nuptial settlement made on the parties to the marriage."

1895. "A husband may recover damages (to be ascertained by the verdict of a jury) from any person who has committed adultery with his wife; and the Court may direct in what manner such damages shall be paid and applied, and may direct that the whole or any part thereof shall be settled for the benefit of the children (if any) of the marriage, or as a provision for the maintenance of the wife."

1896. "A claim for such damages as are specified in the last preceding Sec. will be refused on any ground on which a decree for dissolution of the marriage would be refused (ante, Secs. 1876-1879)."

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1897. "The jurisdiction of the Court to entertain a petition for divorce is limited to cases where the parties are domiciled in England. In cases of petitions for judicial separation or restitution of conjugal rights, and in applications for alimony, it is sufficient if the parties are resident in England at the commencement of the proceedings. In cases of petition for nullity, it is sufficient that the alleged marriage was celebrated in England, or that the respondent is resident in England.

SECTION II.

RELATIONS OF CHILDREN, PARENTS, AND GUARDIANS

TITLE I- -LEGITIMACY

1898. "A person is legitimate who is the child of parents between whom the relation of marriage existed, either at the time when he was begotten, or at the time when he was born, or at any intervening time.

1899. "The marriage of the parents of a person born before such marriage does not render such person legitimate, if, at the date of his birth, or at the date of the marriage, the father was domiciled in England."

1900. "The marriage of the parents of a person born before such marriage renders such person legitimate, if the father was, both at the date of the birth and at the date of the marriage, domiciled in a country in which the marriage has, according to the law of that country, the effect of rendering such person legitimate. But a person who is legitimate only by reason of the provisions of this Sec. is not entitled to succeed as heir, or heir of the body, to any real estate in England; nor can any ascendant or collateral relation of his succeed as his heir to real estate in England."

1901. "The child of any woman is presumed to be the child of any man to whom she was married at any such time as is mentioned in Sec. 1898, ante."

1902. "The presumption stated in Sec. 1901 may be rebutted by proof that, at any time when the child could have been begotten (i) the father was absent from England, or (ii) he was impotent, or (iii) the parents had no opportunity of sexual intercourse, or (iv) it is highly improbable that such intercourse took place. But direct evidence of the husband or wife that such intercourse did not take place during the marriage is not admissible to rebut the presumption."

1903. "The duration of the period of gestation is a question of fact in each case."

1904. "Any natural-born British subject, or any person whose right to be deemed a natural-born British subject depends wholly or in part on his legitimacy or on the validity of a marriage, being domiciled in England or Ireland, or claiming any real or personal property situate in England, may petition the Court for a decree declaring all or any of the following matters:—

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that the petitioner is the legitimate child of his parents;

that the marriage of his father and mother, or of his grandfather and grandmother, was a valid marriage;

that the petitioner's marriage is a valid marriage."

"Any decree made by the Court on such petition (whether for or against such legitimacy or validity), is binding on the Crown and on all other persons; except that—

it does not prejudice any person unless such person has been cited or made a party to the proceedings, or is the heir at law or next of kin or other real or personal representative of a person so cited or made a party, or derives title under or through such person;

it does not prejudice any person if it is subsequently proved to have been obtained by fraud or collusion."

TITLE II- -DUTIES OF MAINTENANCE

AND EDUCATION

1905. "Subject to Sec. 1908, the father, mother, grandfather, and grandmother, of any person are bound to provide, so far as they are able, necessary maintenance for such person.

1906. "Subject to Sec. 1908, the husband of any woman is bound to provide necessary maintenance for her children (whether legitimate or illegitimate) born before his marriage to such woman, until they attain the age of sixteen years, or until the death of the mother, whichever first happens."

1907. "Subject to Sec. 1908, every person is bound to provide necessary maintenance for his father and mother."

1908. "The provision of Secs. 1905-7 impose no liability on any person to provide maintenance who is not able to do so out of his own property or by means of his labour; nor do they impose any liability in favour of any person who is able to maintain himself."

1909. "The provisions of Secs. 1905-7 impose no liability on any married woman; except that:—

if poor relief is given to the children of any woman whose husband is beyond the seas, or in custody of the law, or confined in a licenced house or asylum as a lunatic or idiot, or who is living separate from her husband, it is to be given upon the same conditions as if she were a widow;

a married woman having separate estate is subject to the same liability for the maintenance of her children and grandchildren as her husband is subject to for the maintenance of her children or grandchildren (ante, Sec. 1906), and is liable to provide maintenance for her parents, in the same manner as if she were unmarried."

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1910. "The provisions of Secs. 1905-7 do not (except where expressly mentioned) impose any liability to provide maintenance for illegitimate children or grandchildren. But the mother of an illegitimate child is bound to provide necessary maintenance for such child till it attains the age of sixteen, or, being a female, marries under that age; and the father of an illegitimate child may be compelled to make a contribution (not exceeding ten shillings a week) to the mother or other person having custody of the child, for the purpose of maintaining of such child until the child attains the age of thirteen. (Semble) this liability, exists, even though the child was born out of the jurisdiction; unless it is proved that the status of the child is governed by foreign law."

1911. "It is the duty of the parent, guardian, and every person who is liable to maintain, or has the custody of, any child between the ages of five and fourteen years, to cause it to receive efficient elementary instruction in reading, writing, and arithmetic."

TITLE III- -CUSTODY AND GUARDIANSHIP

OF MINORS

1913. "After the death of the father of a minor, the mother is entitled to the custody of such minor, and is guardian of such child jointly with any guardian appointed by the father by deed or will, or with any guardian appointed by the Court in default of a guardian appointed by the father."

1914. "The mother of an illegitimate minor is prima facie entitled to the custody of such minor."

1916. "No agreement by which a father of a minor, or the mother of an illegitimate minor, agrees to give up, or not to resume, the guardianship, custody, or control of such minor, is binding except an agreement contained in a separation deed to the effect that the father shall give up such custody or control to the mother. And such last mentioned agreement will not be enforced by the Court, if the Court is of opinion that it will not be for the minor's benefit to enforce it."

1917. "The Court may, on the application of the mother of a minor, make such order as it may think fit with regard to the custody of such minor, and the access thereto of either parent, having regard to the welfare of the minor and to the conduct and wishes of either parent."

1918. "If a minor is entitled by inheritance to the legal estate in any land of socage tenure, his nearest blood relation to whom the land cannot descend is his guardian in socage until such minor attains the age of fourteen years, or, if the land is subject to the custom of gavelkind, until the minor attains the age of fifteen years. The powers of such guardian are displaced by the existence of any guardian appointed by the deed or will of the father or mother."

1920. "The mother of a minor may appoint by deed or will a guardian or guardians for such minor, to act after the death of the father and mother, if the child is unmarried at that date, but jointly with any guardian appointed by the father."

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1921. "The mother of a minor may provisionally nominate by deed or will a guardian or guardians to act jointly with the father. And the Court may, after her death, if it be shown to the satisfaction of the Court that the father is for any reason unfitted to be the sole guardian of his children, confirm the appointment; and such guardian or guardians will thereupon be authorized and empowered so to act. Or the Court may make such other order in respect of the guardianship as it shall think right."

1928. "Where, on the trial of any offence under the Criminal Law Amendment Act, 1885, it is proved that the seduction or prostitution of a girl under the age of sixteen years has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, the Court may divest such person of all authority over her, and appoint any person willing to take charge of the girl to be her guardian until she has attained the age of twenty-one years, or such age below twenty-one as the Court may direct. And the High Court may from time to time rescind or vary such order by the appointment of any other person as guardian or otherwise."

1932. "A father or other person having the lawful custody of a minor, has the right to restrain to a reasonable extent the acts and conduct of such minor, to determine the method of his education and maintenance, and to inflict corporal or other punishment to a reasonable extent upon him; and he may delegate these rights to a tutor, schoolmaster, or similar person."

1936. "Where a parent has—

abandoned or deserted his child; or

allowed his child to be brought up by another person at that person's expense, or by the Guardians of a Poor Law Union, for such a length of time, and under such circumstances, as to satisfy the Court that the parent was unmindful of his parental duties;

the Court may not make an order for the delivery of the child to the parent; unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child."

TITLE IV.--POWERS OF PARENTS AND GUARDIANS IN RELATION TO THE PROPERTY OF MINORS

1945. "A father or mother is not, as such, entitled to any control over, or to any legal interest in, the lands of his child being a minor."

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BOOK V

SUCCESSION

SECTION I

TESTAMENTARY SUCCESSION

TITLE I- -THE MAKING OF TESTAMENTS AND CODICILS

1958. "A person cannot give to another the power to make a testament for him; but he can make the validity of his testament dependent upon a contingency, and such contingency may be the approval of another person."

TITLE II- -THE REVOCATION, ALTERATION, AND REPUBLICATION OF TESTAMENTS AND CODICILS

1967. "A testament or a codicil may be revoked or altered at the pleasure of the testator. A testator cannot, by contract or otherwise, deprive himself of this power."

1968. "If two or more persons make a joint testament or codicil, or separate testaments or codicils in identical terms, any of such persons may at any time revoke or alter his part of the joint testament or codicil, or his separate testament or codicil. But if one of the parties dies, and the other or others take a benefit under his testament, the estates of such other or others will be liable, if he or they should alter their testaments, to carry out the original arrangement. If one of the parties to a joint testament or codicil dies, probate will be granted of so much of the instrument as becomes operative at his death."

1969. "No testament or codicil is revoked by any presumption of an intention on the ground of an alteration in circumstances; but every testament or codicil is revoked by the testator's marriage, except in so far as it is made in exercise of a power of appointment under which the property thereby appointed would not, in default of such appointment, pass to the persons entitled to the testator's property in the event of his intestacy."

TITLE III- -CAPACITY TO MAKE OR ATTEST A TESTAMENT OR CODICIL

1985. "Subject to the exceptions contained in this Title, every person has full capacity to make and attest a testament."

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1988. "If it be proved that a testator was not of sound mind, memory, and understanding at any time prior to the making of the testament, his testament will be presumed to be invalid, until it is proved that he was of sound mind when he made it. The appearance and contents of the testament, and the circumstances attendant upon its execution, will be considered in coming to a conclusion on this point."

1991. "Deafness and dumbness, blindness, and inability to read, cause no testamentary incapacity. But the Court will require proof that a person thus afflicted knew and approved of the contents of his alleged testament."

1992. "A testament or codicil made as the result of the exercise of force, or fraud, or undue influence, is invalid, in so far as its dispositions have been caused by these means."

1994. "All persons, whether minors or not, are competent to attest the execution of a testament, if they understand the act which they are performing. But if any witness attests the execution of a testament, to whom, or to whose wife or husband, any beneficial interest in property is given by the testament which such witness attests, the gift to him or her, or to his or her wife or husband, or to any person claiming under them, is void; unless the testament did not require attestation."

TITLE IV- -DEVISES, LEGACIES, AND DONATIONS MORTIS CAUSA

1995. "A person may by his testament devise all the real and bequeath all the personal property to which he is entitled as the time of his death, and which, on his death, passes to his personal representative, as such, or which, if not so devised or bequeathed, would pass to his customary heir general."

2002. "If a testator's assets are not sufficient for the payment of the general legacies bequeathed by his testament, the general legacies will abate, and, in the absence of a contrary direction by the testator, abate rateably. But if a general legacy is given to a wife in exchange for the abandonment by her of an enforceable claim to dower, or (possibly) to a creditor to whom a debt is owing exceeding the amount of the legacy and in consideration of the abandonment of the debt, it has priority over other general legacies."

2014. "When there is a devise or bequest to children or other relatives, only those who are legitimate can take; unless the words of the testament, or the circumstances under which the testator made the gift, show that he meant to benefit persons who are illegitimate."

2019. "A person proved to have caused the death of the testator by an act which is a criminal offence cannot claim any benefit under the testament."

2025. "A married woman cannot be put to her election, if the effect would be that the exercise of such election might deprive her of property which she is restrained from alienating (ante, Bk.I, Sect. III, Tit. II, Secs. 105-108). A lunatic or a minor may be put to his election. But, in the case of a lunatic, the choice is made by his committee or quasi-committee, acting under the direction of the Court; and, in the case of a minor, the Court will elect for him."

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2027. "If a father, or other person who has placed himself in loco parentis to a child, gives by his testament a legacy or share of residue by way of portion to such child and, subsequently, during his life-time, advances or covenants to advance a portion to or for the benefit of such child, whether or not of an amount equal to the testamentary provision, and whether or not it is settled in the same way, there is a presumption that the testamentary gift is adeemed, (i.e. revoked), wholly or protanto; and, in the case of a covenant to advance a portion, this presumption is not rebutted merely by a direction in the testament that the testator's debts shall be paid."

2028. "If a father, or other person who has placed himself in loco parentis to a child, has charged land with a portion for such child, or has convenanted to give a portion to a child, and subsequently advanced a portion to such child during his lifetime, or bequeaths a portion by his testament, there is a presumption that the later gift was intended to satisfy the obligation previously incurred, either wholly or pro tanto; and the child must elect between the enforcement of his rights under the obligation, and his rights under the later gift. But a devise will not satisfy an obligation to pay money, and a legacy will not satisfy an obligation to transfer land; and a clear direction in the testament that the testator's debts are to be paid will rebut the presumption of satisfaction."

2040. "A person who is suffering from illness may make a donatio mortis causa in contemplation of his death through the illness from which he is suffering; and it is not necessary, in order to render the gift effectual, that he should believe that he will die of such illness. He cannot make such a gift in contemplation of suicide."

2046. "The death of the donor of a donatio mortis causa does not vest the property in the subject-matter of such gift in his representative, but perfects the title of the donee; and no assent on the part of the representative is required to complete the gift. But the property given may be taken to pay the creditors of the deceased, in the event of a deficiency of the donor's assets."

BOOK V.

SUCCESSION (continued)

SECTION II

INTESTATE SUCCESSION

TITLE I--GENERAL

2047. "Subject to Sect. III, Tit. II, and to the claims of his creditors, all the property belonging to a deceased person in his own right which has not been effectively disposed of by his testament (if any), and which is not extinguished by his death, passes by the rules of intestate succession to his heirs, next of kin, or husband or wife respectively. In so far as there is a failure of such persons, it passes (being real estate) by escheat, or (being personal estate) as bona vacantia."

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2049. "Where a beneficiary takes property of a deceased person as heir or next of kin through the personal representative of the deceased (post, Sect. III, Tit. II), he cannot require a conveyance or payment by the representative until the expiry of a year from the decease (post, Tit. II, Sec. 2060)."

TITLE II--INHERITANCE OF REAL ESTATE

2051. "No person can inherit real estate in England unless he was born in lawful wedlock; nor can any one, except his lawful issue, inherit real estate from a person not so born."

2052. "Subject to Bk. III, Sect. XVI, Tit. IV, Sec. 1764, ante (co-parcenary), descent is in all cases traced in the first instance from the purchaser, i.e. from the person who last acquired the estate otherwise than by descent, or by any escheat, partition, or enclosure, by the effect of which the estate became part of, or descendible in the same manner as, other real estate acquired by descent. But if there is a total failure of the heirs of the purchaser, or if any real estate is descendible as if an ancestor had been the purchaser thereof and there is a total failure of the heirs of such ancestor, descent is then traced from the person last entitled to the estate, as if he had been the purchaser."

("An obvious effect of this enactment is to enable a woman to inherit real estate from her issue, though they have inherited it from her husband. She could not, of course, inherit directly from her husband as such)."

2055. "Socage Interests of inheritance descend in the first instance to the issue of the purchaser in infinitum; the nearer degree excluding the remoter, except that the issue of any deceased person represent their ancestor in infinitum."

"But:—

male issue exclude female in the same degree; and

among males in the same degree, the older excludes the younger, though females in the same degree inherit equally as coparceners."

2056. "In the descent of an estate in tail male (ante, Bk. III, Sect. I, Tit. III, Sec. 1054) all females and their issue are excluded; and in the descent of an estate in tail female (ibid) all males and their issue are excluded."

2057. "On failure of the issue of the purchaser, a socage interest in fee simple descends to the nearest lineal ancestor of the purchaser and his issue in infinitum, according to the rules laid down in Sec. 2055, ante. But all paternal ancestors and their issue are preferred to all maternal ancestors and their issue; and, among paternal and maternal ancestors respectively, all male ancestors and their issue are preferred to all female ancestors and their issue, while, among female ancestors, paternal or maternal, the mother of the more remote male ancestor, and her issue, are preferred to the mother of the less remote and her issue."

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2058. "Collateral relatives of the half blood to the purchaser may inherit under Sec. 2057; but they inherit only next after relatives of the whole blood (male or female) in the same degree, and their issue."

2060. "The claim of the heir to a socage fee simple interest or an equitable fee simply in copyhold or customary lands is subject to the estate or interest of the personal representative of the deceased in whom the estate becomes vested on his death for purposes of administration (post, Sect. III, Tit. II). But, subject to take claims of the deceased's creditors, the personal representative may at any time after the decease, convey such interest to the person entitled as heir; and, if he fails to do so, the Court may, at the expiry of one year from the decease, on the application of the heir, order such a conveyance to be made."

TITLE III- -SUCCESSION TO PERSONAL ESTATE

2065. "If the deceased leaves a widow and children, the widow takes one third of his undisposed of personal estate, and the children (subject to Secs. 2066 and 2067) two thirds equally between them. If the deceased leaves a widow but no children, the widow (subject to Tit. IV, Sec. 2079, post) takes one moiety of his personal estate. If he leaves children but no widow, the children (subject to Secs. 2066 and 2070) take the whole of his personal estate equally between them. If the deceased leaves no widow or children, or, if he leaves a widow, in so far as the claims of the widow do not extend, the undisposed of personal estate of the deceased is (subject to Secs. 2066-2068), divided equally amongst the persons in the nearest degree of kindred to the deceased, however remote, living at the time of his decease, per capita."

2066. "For the purposes of Sec. 2065, issue of deceased children of the intestate represent their deceased ancestors per stirpes; and, where there is any surviving brother or sister of the intestate, the children of a deceased brother or sister represent their parent per stirpes. But, subject to these provisions, there is no representation of deceased kindred in distribution."

2067. "The father of the intestate excludes the mother entirely; and, if the father of the intestate has predeceased him, the mother shares equally with the brothers and sisters of the deceased, and with the children (per stirpes) of such of them as have predeceased the intestate, if any."

2068. "For the purposes of Sec. 2065, degrees of kindred are computed by reckening up from the intestate to the common ancestor, and from the common ancestor down to the claimant, and counting each step a degree. But grandparents are postponed to brothers and sisters of the intestate."

2069. "In considering claims to intestate succession, no preference is given to age, nor (subject to Sec. 2067) sex; and collaterals of the half blood rank equally with collaterals of the whole blood in the same degree."

2070. "No child of the intestate to whom a portion (either in real estate or personal estate) has been advanced by the intestate in

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his lifetime can claim any share under the Statutes of Distribution in the personal estate of a father dying wholly intestate, without bringing such advancement into account for the benefit of the other children of the intestate, or their representatives; and the same rule applies to the issue of such child claiming by representation the share of their deceased ancestor who has been so advanced. But the rule has no application to an heir at law in respect of any land coming to him from the intestate by descent or otherwise; and (semble) it does not apply to the children of deceased brothers and sisters of the intestate whose parents have received benefits from the intestate in his lifetime."

TITLE IV- -SUCCESSION BETWEEN HUS-

BAND AND WIFE

2075. "Subject to Sec. 2078, post, a man is entitled on the death of his wife, to a life interest in any real estate (legal or equitable) held by common socage, to which his wife solely and benefically entitled at the time of her decease, for a present interest capable of passing by inheritance to her issue by him; provided that (i) in fact such issue was born alive during the marriage, and (ii) the husband had, so far as possible, reduced the interest into possession before her death."

2076. "A tenant by the curtesy has all the rights and liabilities of a tenant for life at the common law or in equity, and has the statutory powers of leasing of a tenant for life under the Settled Estates Act, 1877, and the statutory powers of a tenant for life under the Settled Land Acts, 1882-1890 (ante, Bk. III, Sect. VI, Tit. II)."

2077. "Subject to Sec. 2078, post, a man is entitled in the event of his wife's death, to all the corporeal personal estate (including separate property) to which she died beneficially entitled, or in which she had an actual beneficial interest, legal or equitable, at the time of her decease, and which does not come to an end at her decease. To her choses in action (ante, Bk. III, Sect. XIII) he becomes entitled on taking out letters of administration to her estate, but (semble) subject to her debts."

2078. "The rights described in Secs. 2075, 2076, 2077, ante, are defeated wholly, or pro tanto, by:—

any disposition by the wife, either inter vivos or by her testament;

a decree for the dissolution of the marriage between the person claiming the property and the person whose property is claimed;

a decree for judicial separation between similar parties, unless as the parties have again cohabited;

a protection or separation order pronounced in favour of the wife, unless the parties have again cohabited;

any effectual direction for payment of her debts by the wife in her testament, even though the property in question was restrained from anticipation during her lifetime."

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2079. "If a man dies wholly intestate, leaving a widow but no issue, and his whole property, real and personal, at the time of his decease, does not exceed 500 pounds in net value, the whole of such property will belong to his widow. Where the property of a man dying wholly intestate and without issue exceeds in net value 500L his widow will be entitled, in priority to all other claimants by way of inheritance or intestacy, to a sum of 500L thereout, absolutely and exclusively; and will have a charge for such sum upon the real and personal estates of her deceased husband, in proportion to their respective values. Such provision will be in addition and without prejudice to her claims under the Statutes of Distribution (ante, Tit. III, Sec. 2065) and in respect of dower (post, Secs. 2080-2087)."

2080. "Subject to Secs. 2082 and 2084, the widow of a man who dies solely and beneficially entitled to any common socage real estate in possession (whether legal or equitable), which issue of her by him might have inherited, will be entitled to a life interest in one third of such real estate by way of dower; and such interest will (semble) take priority over the unsecured debts of her husband."

2081. "In practice a claim to dower is satisfied by obtaining from the deceased's heir one third of the annual rents and profits of the land subject to dower. But the dowress has a right to an assignment of one third in value of such land by the Court, and will then be able to recover possession of it by ejectment."

2082. "The claim of a widow to dower (previous to assignment) is not barred by any Statute of Limitation; but if she makes no claim for twelve years from her husband's decease, the Court will refuse her relief on the ground of laches. The statutory period begins to run against her as from the date of the assignment; and, in any case, only six years' arrears of rents and profits can be recovered by her against the heir."

2083. "A dowress has the rights and liabilities of a tenant for life at the common law and in equity; and the powers of leasing conferred by s. 46 of the Settled Estates Act, 1877 (ante, Bk. III, Sect. VI, Tit. II, Sec. 1495)."

2084. "A widow's claim to dower is barred (i.e.defeated) by:—

any absolute disposition of the estate out of which it is claimed, by her husband in his lifetime or by his testament;

any declaration in the deed by which the estate was conveyed to her husband, or in any deed executed by him, that his widow should not be entitled to dower out of such estate;

any declaration in her husband's testament that she shall not be entitled to dower out of such estate or out of any of his land;

any devise by her husband to her, or for her benefit of any real estate out of which she would be entitled to claim dower if the same were not so devised, or of any interest therein, unless a contrary intention is declared by the testament;

any settlement executed by the widow (being then of full age) prior to her marriage with the deceased, whereby provision was expressed to be made for her in lieu of her claim to dower;

any reasonable provision made for her in lieu of dower by any settlement made prior to the marriage, even though she was then under age;

any provision accepted by a wife (semble, of full age) married after 1882, during the marriage, in lieu of dower;

any joinder by the wife during the marriage in any disposition by the husband, for the purpose of releasing her claim to dower;

a decree absolute for dissolution of the marriage;

the voluntary leaving of her husband and continuing adultery by the wife, unless her husband has subsequently voluntarily been reconciled to her."

2085. "A widow's claim to dower at common law is subject to:—

all partial estates and interests, and all charges created by any disposition or testament of her husband;

all debts, incumbrances, contracts, and engagements to which the estate out of which it is claimed is subject or liable.

2086. "A gift or bequest made by a husband to or for the benefit of his widow out of his personal estate, or out of any of his 'land' not liable to dower, does not defeat or prejudice her right to dower; unless a contrary intention appears by the testament."

2087. "A Court of Equity will enforce a covenant or agreement entered into by or on behalf of the husband not to bar his wife's dower."

2088. "The claim of a widow to dower is in addition to her claim to a share of her husband's personal estate under the Statutes of Distribution (ante, Tit. III, Sec. 2065) and (subject to Sec. 2079, n.) to her claim under the Intestates Estates Act, 1890."

TITLE V.—SUCCESSION ON FAILURE OF HEIRS AND NEXT OF KIN

2089. "When a person dies intestate and without heirs as to any fee simple interest, whether legal or equitable, corporeal or incorporeal, to which he is solely and beneficially entitled otherwise than as a mortgagee, the interest, subject to claims to dower or curtesy (ante, Tit. IV), to the debts of the intestate, and to the interest (if any) of the deceased's personal representative, passes by escheat to the next lord of the fee, and, failing him, to the next superior lord, and so on, and ultimately to the Crown."

SECTION III

ADMINISTRATION OF ASSETS

TITLE I- -THE PERSONAL REPRESENTATIVE

2097. "Any person may be appointed an executor. But if a lunatic (whether so found or not), or an infant, is appointed sole executor, the Court will make a grant of administration during the lunacy or infancy to some other person. If a bankrupt is appointed sole executor, or a sole executor becomes bankrupt, the Court will appoint a receiver of the deceased's estate; unless (semble) the testator knew of the bankruptcy when he made his testament. If a solvent executor, who is willing to act, is also appointed, the Court will retain the bankrupt from acting, unless (semble) the testator was aware of his bankruptcy."

2101. "An executor who has accepted office cannot renounce probate, and can be compelled to take a grant."

2106. "The following persons are entitled to apply to the Court for a general grant of administration according to the following rules:—

A widower has the first right to be appointed administrator of his wife's property (ante, Sect. II, Tit. IV, Sec. 2077); but if she has left real estate, the Court may prefer her heir at law or make a joint grant to the heir at law and the widower."

"The widow and the next of kin of a deceased person have an equal right to a grant; and the Court may make it to either or both. But the Court usually makes a grant to the widow; unless there is good reason why it should not."

"In choosing amongst the next of kin, the guiding principles adopted by the Court is the interest of the estate."

"If there is real estate, the heir at law of the deceased, if he is not one of his next of kin, is entitled to a grant equally with the next of kin."

"If there is no next of kin, the Crown is entitled to a grant of administration of the personal estate of the deceased."

"The Public Trustee is considered by the Court as entitled to a grant of administration equally with any other person or class of persons; but he will be postponed to the widower, widow, or next of kin of the deceased, unless good cause is shown to the contrary."

"If none of the persons above mentioned are willing to take a grant, a grant may be made to a creditor of the deceased."

"If the estate is insolvent, or if any other special circumstances exist, the Court may make a general or a limited grant to such person as it thinks fit."

TITLE II- -THE TITLE AND INTEREST OF

THE PERSONAL REPRESENTATIVE

2118. "The title of an executor is derived from the testament; and all the property of the testator which devolves upon him vests in him at the testator's death. But the executor must obtain probate before he can establish his title to the property, or his right to perform the functions of an executor."

2119. "The title of the administrator is derived and (subject to Sec. 2120) dates from the grant of administration. In the interval between the death and the grant of administration, the personal estate of the deceased is vested in the President of the Probate, Divorce, and Admiralty Division of the High Court; and the real estate is vested in the heir or devisee."

TITLE III- -RIGHTS AND LIABILITIES

PASSING TO THE PERSONAL REPRE-

SENTATIVE

2126. "All the property of a deceased person (but not property over which he has a general power of appointment which he has exercised by his testament), other than property held by him as a joint owner (ante, Bk. III, Sect. XVI, Tit. II, Sec. 1753), or as a tenant in tail or quasi tail, whether or not it is disposed of by his testament, vests at his decease in his personal representative; except that the legal estate in land of copyhold or customary freehold tenure, in any case in which an admission or any act of the lord of the manor is necessary to perfect the title of a purchaser from the customary tenant, does not so pass, but vests in the customary heir."

2127. "Subject to any agreement between the partners, the amount due from surviving partners to the personal representatives of a deceased partner in respect of the deceased partner's share in the partnership property; is a debt accruing at the date of his death; and the representative of the deceased partner has a general lien upon the surplus assets of the partnership for the amount due."

2132. "In the absence of agreement to the contrary between the partners, real estate which passes to the personal representative of a deceased partner as part of his share in the partnership assets, passes as personal estate."

TITLE VI- -THE ORDER OF RESORT TO

ASSETS

2183. "In the absence of provisions to the contrary contained in a testament, assets are, as between the different classes of beneficiaries, applicable to the payment of the deceased's unsecured debts in the following order:—

personal estate undisposed of by testament;

personal estate expressly bequeathed or conveyed subject to, or in trust for, payment of debts;

general or residuary personal estate not specifically bequeathed nor exonerated nor exempted;

real estate appropriated to, or devised in trust for, the payment of debts;

real estate passing to the heir by inheritance, including lapsed and disclaimed devises;

real estate charged with the payment of debts;

general pecuniary legacies (other than legacies charged on real estate) rateably;

devises and specific legacies, rateably;

real and personal estate over which a testator has a general testamentary power of appointment, which he has expressly exercised by his testament;

widow's paraphernalia (ante, Bk. III, Sect. IX, Tit. II, Sec. 1549), and (semble) donations mortis causa (ante, Sect. I, Tit. IV, Secs. 2040-2046) rateably."

2193. "If, by the action of a creditor, the order of resort to the assets of a deceased person for payment of debts (ante, Sec. 2183) has been disturbed, a beneficiary who has suffered by such disturbance can claim to stand in the place of the creditor, and to obtain satisfaction from the fund primarily liable for the debt, to the extent to which the fund out of which the beneficiary has a prima facie claim to satisfaction has been depleted."

"Thus:--

a widow, whose paraphernalia have been employed in the payment of her deceased husband's debts, can, to the extent of such employment, enforce her claims against his general personal estate, his real estate undisposed of by his testament, his real estate charged with the payment of debts, and (semble) his real estate devised."

UNITED STATES

OF

AMERICA

ALABAMA
yes
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ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA
yes	yes	con.	yes	yes	yes	yes	yes	–	yes
yes	yes	yes	yes	yes	yes	yes	yes	no	yes
yes	yes	yes	yes	yes	yes	yes	yes	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	con.
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yes	yes	yes	yes	–	yes	–	con.	yes	yes
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yes	yr.	yes	yr.	yr.	yr.	yes	yr.	yes	con.
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yes	yes	yes	yes	yes	–	–	yes	con.	yes
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yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	con.	con.	yes	con.	–	con.	con.	con.	con.

*See index guide following tables.

IDAHO

IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS
yes	yes	yes	yes	yes	yes	yes	yes	no	con.
yes	yes	no	yes	no	yes	yes	yes	con.	con.
yes	yes	–	yes	yes	yes	yes	yes	yes	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yr.	yr.	yes	yes	yes	yes	yes	yes	yes	yes
con.	yes	yes	–	yes	yes	–	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	–	–	yes
yr.	yr.	yes	yes	yes	yes	yes	yes	no	yes
yes	–	yes	–	yes	yes	yes	yes	no	yes
yes	–	yes	–	yes	no	–	–	–	con.
con.	yes	yes	yes	yes	yes	yes	yes	yes	yes
–	–	–	–	–	yes	–	–	yes	yes
con.	con.	–	–	yes	yes	yes	con.	–	yes
–	–	yes	–	con.	yes	yes	–	yes	–
–	–	yes	–	con.	yes	yes	–	yes	–
–	–	no	–	con.	no	yes	–	no	–
yes	yes	yes	yes	yes	–	–	yes	–	con.
yes	–	yes	yes	yes	yes	yes	–	–	–
yes	–	yes	yes	yes	–	–	yes	yes	–
con.	con.	–	con.	con.	–	con.	con.	no	no
–	yes	yes	–	yes	yes	yes	yes	–	yes
–	yes	–	con.	yes	yes	–	yes	yes	yes
–	no	–	–	no	no	–	no	no	no
no.	con.	yr.	yr.	no.	con.	yes.	–	con.	con.
con.	yr.	yr.	yr.	yr.	con.	con.	yr.	yr.	con.
–	–	–	con.	yes	yes	yes	yes	yes	con.
con.	–	yes	con.	yes	–	yes	yes	yes	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	con.	con.	con.	con.	con.	con.	con.	con.	con.

HIGHIGAN
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con.
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yes
yes
yes
con.

MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO
yes	yes	yes	yes	yes	con.	con.	yes	con.	yes
yes	yes	con.	no	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	-	yes	yes	yes	-	yes
yes	yes	yes	yes	yes	yes	yes	yes	-	yes
yes	1yr.	yes	1yr.	yes	yes	con.	1yr.	-	yes
yes	-	-	no	yes	yes	yes	con.	-	yes
con.	con.	yes	-	con.	-	con.	-	-	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	yes	-	-	con.	-	-	-	-
con.	con.	-	-	con.	con.	yes	yes	yes	con.
yes	yes	-	-	yes	yes	-	yes	yes	con.
yes	yes	-	-	con.	yes	-	con.	yes	yes
no	con.	-	-	no	con.	-	-	con.	-
yes	yes	yes	yes	yes	yes	-	-	yes	-
con.	yes	yes	con.	yes	yes	-	-	-	-
yes	yes	-	yes	yes	yes	con.	-	yes	-
con.	no	con.	no	con.	con.	-	no	no	-
con.	yes	-	yes	-	-	yes	yes	yes	-
yes	yes	con.	yes	yes	yes	yes	yes	yes	yes
-	-	con.	con.	no	con.	no	-	-	no
con.	1yr.	con.	-	con.	6mo.	con.	-	3mo.	-
1yr.	1yr.	1yr.	1yr.	1yr.	con.	6mo.	1yr.	1yr.	1yr.
yes	yes	-	-	-	yes	-	yes	con.	con.
yes	yes	-	yes	con.	yes	-	yes	con.	-
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	1/3	con.	con.	con.	con.	con.	con.	con.	con.

NEW YORK
yes
yes
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NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODS ISLAND	SOUTH CAROLINA	SOUTH DAKOTA
yes	yes	con.	yes	yes	yes	yes	con.	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	con.	yes
								no	
yes	yes	yes	yes	yes	yes	yes	yes	-	yes
-	con.	yes	yes	yes	yes	yes	yes	-	yes
-	con.	yes	yes	yes	yes	yes	yes	-	yes
-	yes	-	yes	yes	yes	yes	yes	-	con.
-	yes	yes	yes	yes	yes	yes	con.	-	yes
-	-	yes	yes	yes	yr.	-	yes	-	yr.
-	-	yes	yes	yes	-	-	yes	-	yes
-	-	con.	con.	-	yes	-	-	-	con.
yes	yes	yes	yes	yes	yes	con.	yes	-	yes
-	-	con.	con.	-	-	-	-	-	-
-	-	con.	con.	con.	yes	con.	yes	-	con.
yes	yes	yes	yes	yes	-	yes	yes	-	-
yes	yes	yes	yes	yes	-	yes	yes	-	-
con.	no	no	no	no	-	no	-	-	-
yes	yes	yes	yes	yes	yes	yes	yes	-	yes
yes	con.	yes	yes	yes	yes	yes	-	-	yes
yes	con.	yes	yes	yes	yes	yes	yes	-	yes
no	no	con.	no	no	-	no	-	-	con.
-	yes	-	yes	yes	yes	con.	yes	-	con.
-	yes	yes	yes	yes	yes	yes	yes	-	yes
-	no	no	no	no	no	-	-	-	-
con.	con.	con.	-	6mo.	6mo.	con.	6mo.	-	con.
con.	yr.	yr.	yr.	1yr.	yr.	yr.	2yr.	-	yr.
-	con.	-	con.	con.	yes	yes	yes	-	con.
con.	-	con.	con.	yes	yes	yes	yes	-	yes
yes	yes	yes	yes	yes	yes	con.	yes	-	yes
con.	con.	con.	con.	con.	2/3	con.	2/3	-	con.

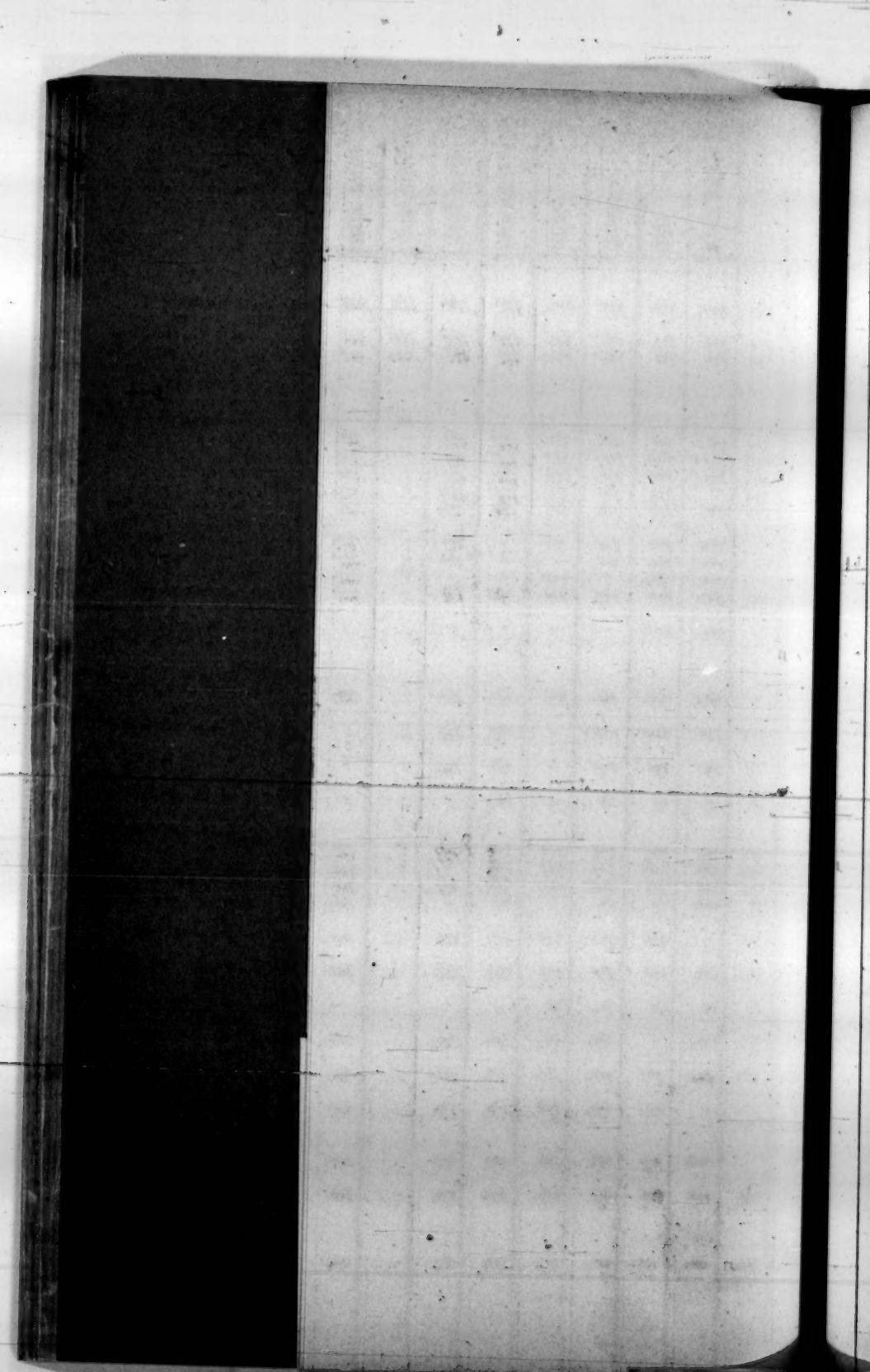

TABLE I

Note:
Dash Subject not found in code
A.D. Until assignment of dower
Con. Conditional in code or annotation

TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	
									Adoption
yes	yes	con.	con.	yes	con.	yes	yes	con.	(1) consent of parents or guardian necessary.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(2) consent of spouse necessary.
yes	con.	yes	yes	yes	yes	yes	yes	yes	(3) Parents' rights cease
									Divorce
									(1) absolute—causes.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) adultery.
con.	yes	yes	yes	no	yes	yes	yes	yes	(b) cruelty.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(c) desertion.
yes	con.	yes	–	yes	yes	con.	yes	yes	(d) impotency.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(e) imprisonment, conviction of crime.
–	–	yes	–	–	yes	yes	1yr.	yes	(f) intoxication, years.
–	–	yes	yes	–	yes	–	yes	yes	(g) failure to support.
con.	no	con.	yes	no	yes	con.	–	con.	(h) insanity.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(2) alimony allowed, decree granted.
–	–	–	–	–	–	con.	yes	–	(3) annulment of action for, must be joint petition of parties.
									(4) common property—
con.	yes	–	yes	con.	con.	con.	yes	yes	(a) inventory of before decree granted.
yes	–	con.	yes	yes	–	yes	yes	–	(5) decree from bed and board allowed—
yes	–	con.	yes	yes	–	con.	yes	–	(a) court regulates property.
con.	–	–	–	no	–	no	no	–	(b) not to bar action for divorce.
									(6) defenses, absolute divorce.
yes	yes	–	–	yes	con.	yes	yes	yes	(a) collusion
yes	yes	–	–	yes	yes	yes	yes	yes	(b) condonation.
yes	yes	–	–	–	con.	yes	yes	yes	(c) recrimation.
no	no	no	con.	no	–	no	–	no	(7) legitimacy of child, effected by.
–	yes	con.	yes	–	yes	con.	con.	–	(8) maiden name, can resume if desired.
con.	–	–	yes	con.	yes	yes	yes	yes	(9) separate maintenance decree allowed.
con.	–	–	–	–	no	con.	–	–	(a) not to bar action for divorce.
con.	1yr.	con.	2yr.	6mo.	6mo.	3mo.	1yr.	–	(10) remarriage after decree, length of time.
3yr.	1yr.	1yr.	1yr.	1yr.	1yr.	1yr.	2yr.	60da.	(11) residence required, state, length of time.
con.	yes	–	yes	con.	con.	yes	yes	yes	(12) separate property of wife, may require inventory of, from husband.
con.	con.	con.	yes	con.	yes	yes	yes	yes	(a) restoration of wife's when not guilty.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(13) support, maintenance, allowed wife and children.
									(14) wife granted divorce from husband.
con.	con.	con.	con.	none	con.	con.	con.	con.	(a) allowed certain amount of his property.

ALABAMA

no
yes
yes
yes
yes
yes
yes
yes
yes
yes
con.
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A.D.
A.D.
no
yes
mda.
yes
con.
-
yes
yes
yes
yes
yes
con.
con.
yes

ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA
no	no	-	no	yes	yes	con.	no	no	no
yes	yes	-	yes	-	-	yes	yes	yes	con.
yes	yes	-	yes	-	-	yes	yes	yes	yes
yes	-	-	yes	-	-	con.	-	-	-
yes	yes	-	yes	-	-	yes	yes	yes	yes
yes	yes	-	yes	-	-	yes	yes	yes	yes
yes	yes	-	yes	-	-	-	yes	yes	con.
yes	yes	-	yes	-	-	yes	yes	yes	yes
yes	yes	-	yes	-	-	yes	yes	yes	yes
con.	con.	-	yes	-	-	con.	-	no	yes
-	no	-	no	no	no	con.	yes	-	no
A.D.	1yr.	-	A.D.	-	-	A.D.	1yr.	A.D.	A.D.
A.D.	1yr.	-	A.D.	-	-	A.D.	1yr.	yes	1yr.
no	con.	-	yes	-	-	yes	yes	no	-
yes	yes	-	yes	-	-	yes	yes	yes	yes
10da.	con.	-	10da.	-	-	-	6da.	yes	10da.
yes	yes	-	yes	-	-	-	yes	-	-
con.	1yr.	-	1yr.	-	-	60da.	30da.	9mo.	con.
-	yes	-	yes	-	-	-	yes	-	-
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	con.	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	yes	yes	yes	yes	-	-	yes	yes	con.
con.	yes	no	no	no	-	no	no	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

IDAHO

IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS
yes	no	yes	yes	yes	no	yes	yes	no	no
-	yes	-	no	-	con.	-	-	yes	yes
-	yes	-	yes	-	yes	-	-	yes	yes
-	con.	-	con.	-	yes	-	-	con.	yes
-	con.	-	yes	-	yes	-	-	yes	yes
-	yes	-	yes	-	yes	-	-	yes	con.
-	yes	-	con.	-	yes	-	-	yes	yes
-	yes	-	yes	-	yes	-	-	yes	yes
-	yes	-	yes	-	yes	-	-	yes	yes
-	con.	-	con.	-	con.	-	-	-	no
no	no	no	yes	no	yes	-	no	yes	yes
-	A.D.	-	con.	-	A.D.	-	-	-	6mo.
-	yr.	-	yr.	-	A.D.	-	-	con.	6mo.
-	yes	-	yes	-	yes	-	-	yes	con.
-	yes	-	con.	-	yes	-	-	yes	yes
-	yes	-	con.	-	yes	-	-	yes	-
-	yes	-	-	-	yes	-	-	-	yes
-	yr.	-	6mo.	-	con.	-	-	6mo.	6mo.
-	yes	-	-	-	con.	-	-	-	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	con.	yes	yes
yes	yes	yes	-	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	con.	yes	yes	yes	yes
yes	yes	con.	yes	con.	con.	yes	yes	yes	yes
yes	no	con.	yes	con.	con.	yes	yes	yes	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

MICHIGAN

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MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO
no	yes	yes	no	no	yes	yes	no	no	yes
yes	-	-	yes	con.	-	-	yes	yes	-
yes	-	-	yes	yes	-	-	yes	yes	-
con.	-	-	con.	yes	-	-	yes	con.	-
con.	-	-	yes	yes	-	-	yes	yes	-
yes	-	-	yes	yes	-	-	yes	yes	-
yes	-	-	yes	yes	-	-	yes	con.	-
yes	—	-	yes	yes	-	-	no	yes	-
yes	-	-	yes	yes	-	-	no	yes	-
yes	-	-	yes	yes	-	-	con.	-	-
con.	no	no	no	no	no	no	yes	yes	no
yr.	-	—	A.D.	con.	-	-	4oda.	A.D.	-
yr.	-	-	A.D.	con.	-	-	4oda.	A.D.	-
yes	-	-	yes	yes	-	-	con.	yes	-
yes	-	-	yes	yes	—	-	yes	yes	-
con.	-	-	con.	-	-	-	con.	4oda.	-
yes	-	-	yes	yes	-	-	-	yes	-
yr.	-	-	yr.	yr.	-	-	yr.	6mo.	-
yes	-	-	yes	yes	-	-	yes	yes	-
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	con.	yes	yes	con.	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	con.	yes	yes	yes	con.	con.	con.	yes
con.	no	con.	no	yes	yes	con.	con.	con.	no
yes	yes	yes	yes	con.	yes	yes	yes	yes	yes

NEW YORK

Con.
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NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA
Con.	no	yes	no	yes	no	yes	no	no	yes
con.	yes	–	yes	–	yes	–	yes	yes	–
yes	yes	–	yes	–	yes	–	yes	yes	–
		–							–
con.	yes	–	yes	–	con.	–	con.	yes	–
yes	yes	–	yes	–	yes	–	yes	yes	–
yes	yes	–	yes	–	yes	–	yes	yes	–
yes	yes	–	yes	–	yes	–	yes	no	–
yes	yes	–	yes	–	yes	–	yes	con.	–
yes	yes	–	yes	–	yes	–	yes	con.	–
yes	con.	–	yes	–	no	–	–	con.	–
con.	con.	no	no	no	yes	no	yes	no	no
0 da.	con.	–	1 yr.	–	1 yr.	–	A. D.	con.	–
0 da.	1 yr.	–	1 yr.	–	1 yr.	–	6 mo.	–	–
yes	yes	–	yes	–	con.	–	con.	no	–
–						–			–
yes	yes	–	yes	–	yes	–	yes	yes	–
0 da.	5 da.	–	–	–	–	–	14 da.	10 da.	–
yes	–	–	yes	–	yes	–	yes	yes	–
6 mo.	6 mo.	–	con.	–	1 yr.	–	1 yr.	–	–
yes	–	–	–	–	yes	–	yes	con.	–
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes		yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	yes	yes	yes	yes	con.	–	–	yes
no	con.	yes	no	no	yes	con.	no	–	no
yes	yes	con.	yes	con.	yes	yes	yes	yes	con.

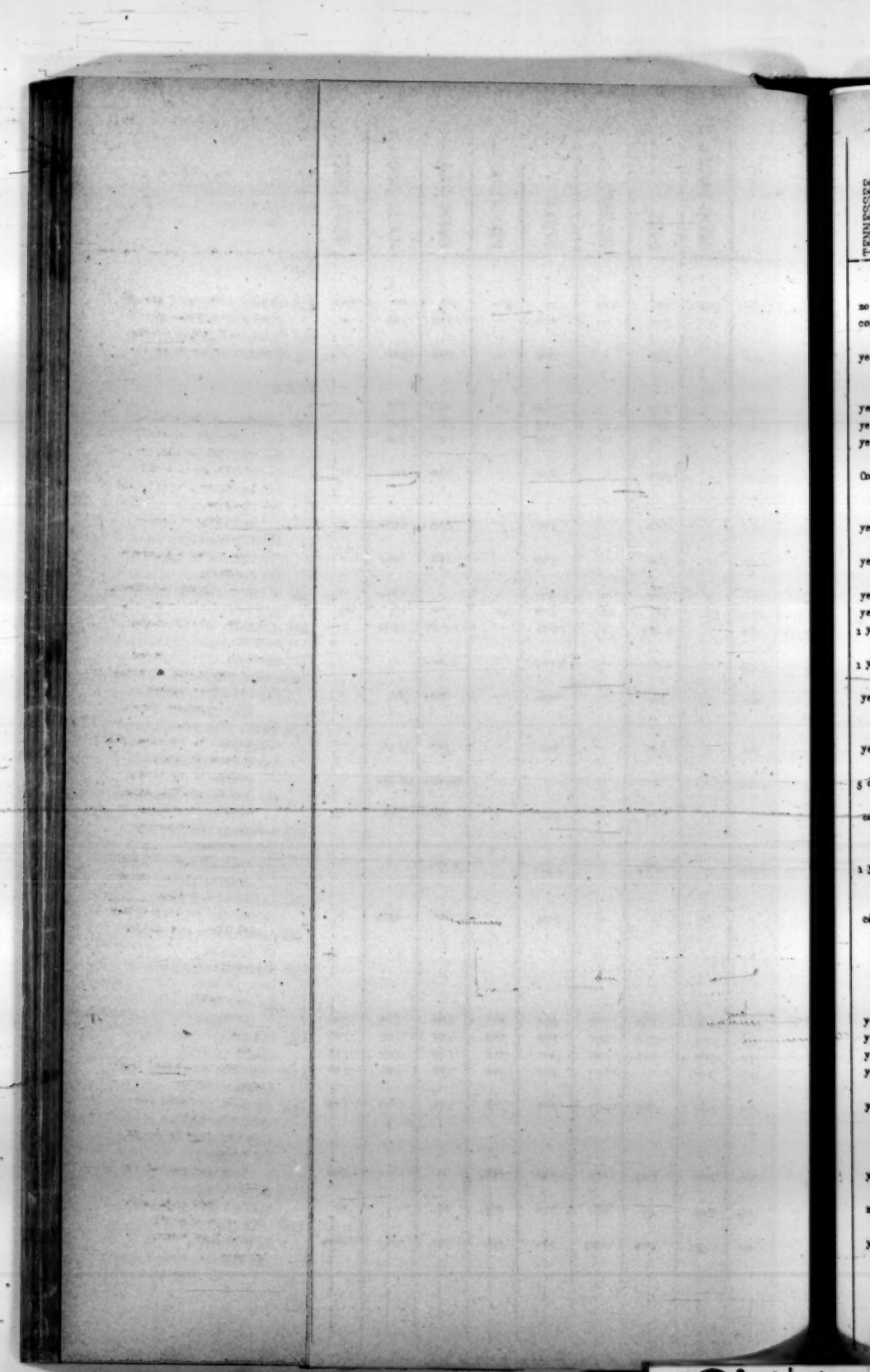
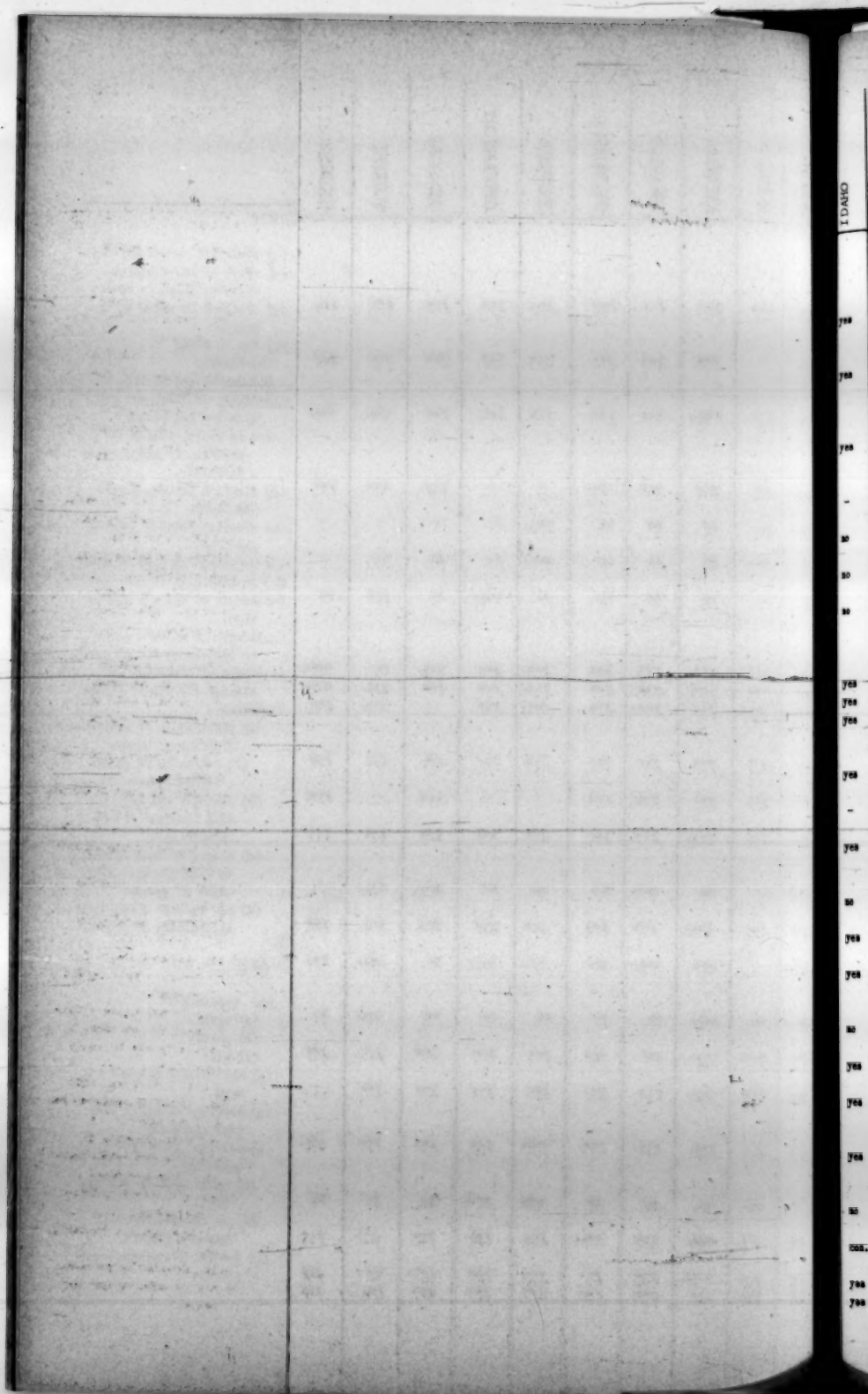


TABLE II

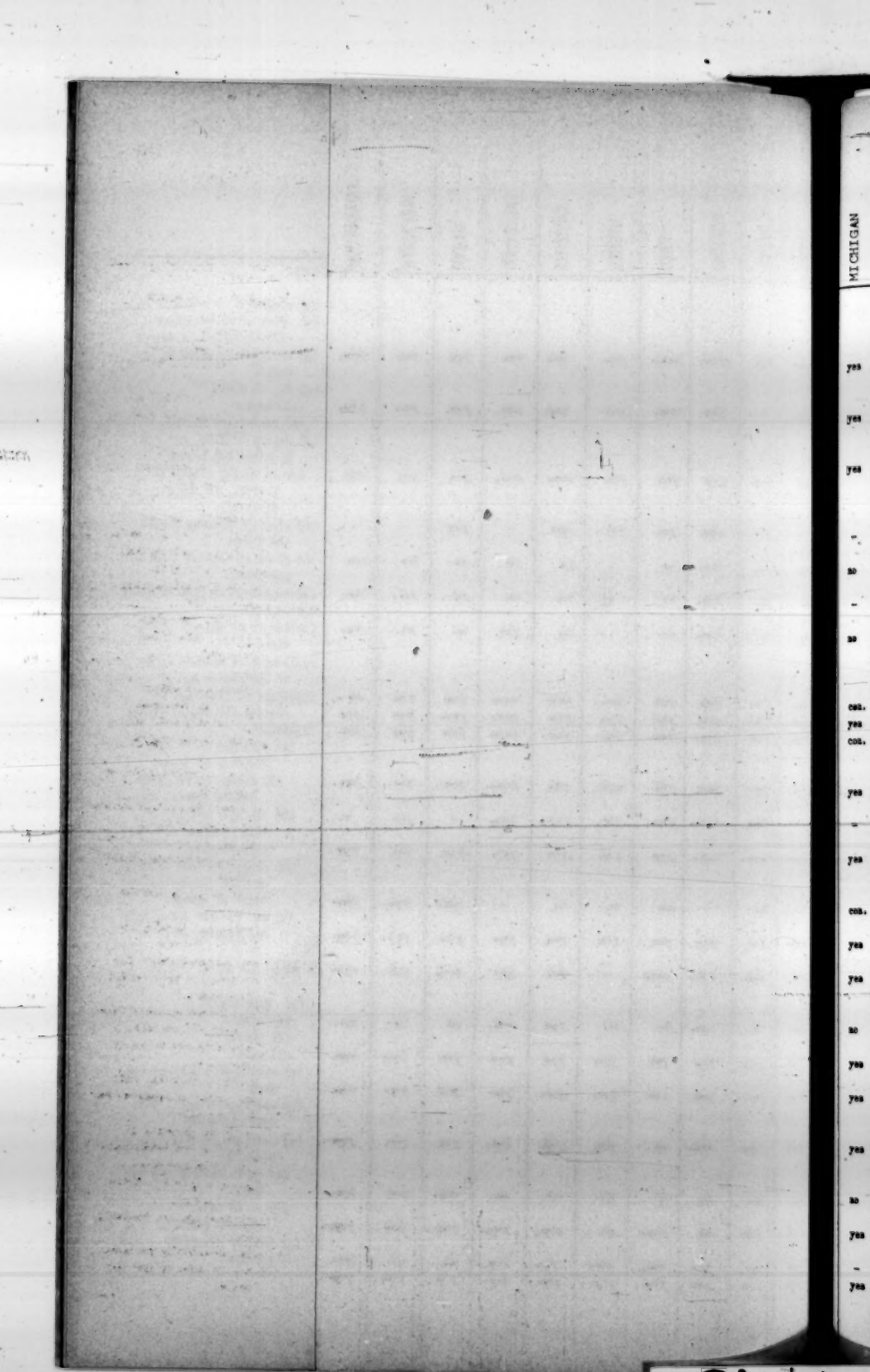
TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	
									Dower
no	–	yes	yes	no	yes	no	no	yes	(1) abolished or non-existant
con.	–	–	–	yes	–	yes	yes	–	(2) alien or non-resident widow entitled to dower.
yes	–	–	–	yes	–	yes	con.	–	(3) assigned to widow by the court.
	–	–	–		–			–	(4) bar to dower
yes	–	–	–	yes	–	yes	yes	–	(a) divorce
yes	–	–	–	yes	–	yes	yes	–	(b) conveyance in lieu of
yes	–	–	–	yes	–	yes	yes	–	(5) dower, of land, set off by metes and bounds.
Con.	–	–	–	yes	–	con.	con.	–	(a) in rents, issues and profits, if property not divisible.
yes	–	–	–	yes	–	con.	yes	–	(6) election between devise and dower.
yes	–	–	–	yes	–	con.	yes	–	(7) election between jointure and dower.
yes	–	–	–	con.	–	con.	con.	–	(8) homestead as part of dower.
yes	–	no	no	yes	no	no	yes	no	(9) husband right to curtesy.
1 yr.	–	–	–	A.D.	–	A.D.	con.	–	(10) length of widow's quarantine.
1 yr.	–	–	–	A.D.	–	A.D.	con.	–	(11) length of widow's right to sustenance out of estate
yes	–	–	–	con.	–	con.	yes	–	(12) right of dower may be claimed for insane person
								–	(13) widow—
yes	–	–	–	yes	–	con.	yes	–	(a) petition to be made, for election of dower.
5 da.	–	–	–	con.	–	con.	–	–	(*) notice to be given before orders, days.
con.	–	–	–	con.	–	yes	yes	–	(b) lawfully evicted of land assigned can be endowed anew.
1 yr.	–	–	–	1 yr.	–	8 mo.	1yr.	–	(c) length of time allowed to file election after death of spouse.
con.	–	–	–	yes	–	yes	yes	–	(d) may recover damages for withholding of dower.
									GUARDIAN and WARD
yes	yes	yes	yes	yes	yes	yes	yes	yes	(1) appointment
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) court
yes	yes	yes	yes	yes	yes	yes	yes	yes	(b) parent
yes	yes	yes	yes	yes	yes	yes	yes	yes	(c) will
yes	yes	yes	yes	yes	yes	yes	yes	yes	(2) maintenance allowed for ward
yes	yes	yes	yes	yes	yes	yes	yes	yes	(3) marriage of ward, consent necessary
									(4) marriage terminates guardianship—
yes	yes	yes	yes	yes	yes	no	yes	yes	(a) as to custody and control
no	yes	con.	no	no	yes	no	con.	no	(b) as to management of minor's property
yes	yes	yes	yes	yes	yes	yes	yes	yes	(5) natural guardians, parents

yes
yes
yes
con.
no
no
no
yes
yes
con.
yes
con.
yes
con.
yes
yes
no
yes
yes
yes
no
yes
yes
yes

ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	–	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	con.	yes	yes	yes	yes	yes	con.	con.
con.	yes	yes	yes	con.	–	–	yes	yes	yes
no	no	no	no	no	con.	no	no	–	–
no	no	no	no	no	con.	no	no	no	–
no	no	no	no	no	no	con.	no	yes	no
yes	yes	yes	yes	yes	yes	yes	yes	no	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	con.
con.	con.	yes	yes	yes	con.	yes	–	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	yes	yes	yes	yes	–	–	yes	–	yes
yes	yes	con.	yes	yes	yes	yes	yes	yes	yes
con.	no	no	con.	no	no	no	con.	con.	–
yes	yes	con.	yes	yes	yes	yes	yes	yes	yes
yes	–	yes	con.	yes	con.	con.	no	con.	yes
no	no	con.	no	no	no	no	no	con.	no
yes	yes	con.	yes	yes	yes	yes	yes	yes	yes
yes	yes	con.	yes	yes	yes	yes	yes	yes	–
yes	yes	yes	yes	yes	con.	yes	yes	yes	con.
no	no	no	no	no	con.	con.	no	no	no
yes	con.	con.	yes	con.	yes	yes	yes	yes	yes
yes	yes	con.	yes	yes	yes	yes	con.	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes


IDAHO
yes
yes
yes
-
no
no
no
yes
yes
yes
yes
-
yes
no
yes
yes
no
yes
yes
yes
no
con.
yes
yes

IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS
yes	yes	yes	con.	yes	yes	yes	yes	yes	yes
yes	–	yes	con.	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	con.	con.	yes	yes	yes
–	yes	yes	yes	yes	yes	–	yes	–	–
no	no	con.	no	–	no	no	no	no	no
no	no	con.	no	–	no	no	no	no	no
no	no	con.	no	–	no	yes	no	no	no
yes	yes	yes	yes	yes	yes	con.	yes	yes	no
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	yes	con.	yes	yes	yes	con.	yes	yes	con.
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
–	yes	con.	yes	yes	yes	con.	–	yes	–
yes	yes	con.	yes	yes	yes	yes	yes	yes	yes
no	no	–	no	no	no	–	con.	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	con.	con.	–	yes	yes	con.	yes	con.
no	no	con.	no	no	yes	con.	no	no	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	con.	no	yes	yes	con.	yes	yes	yes
no	no	no	no	no	no	no	con.	no	no
con.	yes	no	con.	no	con.	con.	yes	yes	yes
yes	no	yes	con.	con.	con.	con.	no	no	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes


MICHIGAN
yes
yes
yes
no
no
con.
yes
con.
yes
yes
con.
yes
yes
no
yes
yes
yes
no
yes
yes

MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
-	con.	yes	yes	yes	-	yes	-	-	con.
no	no	-	no	no	no	no	no	no	no
-	no	-	no	no	no	no	no	no	no
no	no	no	con.	no	no	no	no	no	no
con.	yes	yes	yes	yes	yes	yes	yes	no	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
con.	con.	-	con.	yes	yes	yes	-	yes	-
yes	yes	yes	yes	yes	yes	yes	con.		yes
-	con.	-	-	yes	-	yes	-	-	con.
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
con.	no	con.	con.	no	con.	no	con.	yes	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	con.	con.	yes	con.	yes	con.	con.	yes
no	no	no	no	no	no	no	no	no	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
no	no	con.	no	no	con.	no	no	no	no
yes	con.	yes	yes	con.	yes	con.	con.	con.	yes
-	yes	-	con.	yes	con.	yes	no	no	-
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

NEW YORK
yes
yes
yes
-
con.
con.
no
yes
yes
con.
yes
-
yes
con.
yes
yes
-
no
yes
yes
con.
no
con.
yes
yes

NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA
yes	yes	yes	yes	con.	yes	con.	con.	yes	yes
yes	yes	yes	yes	con.	yes	con.	con.	yes	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
-	-	yes	yes	-	yes	-	yes	con.	yes
con.	no	no	con.	no	no	no	no	no	no
con.	no	no	con.	no	no	no	no	no	no
no	con.	no	con.	no	no	no	no	no	no
yes	yes	yes	con.	yes	yes	yes	con.	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	con.	yes	yes	yes	con.	con.	no	no	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
-	-	yes	con.	con.	yes	-	yes	-	yes
yes	con.	yes	yes	yes	yes	yes	yes	yes	yes
con.	-	no	no	no	no	yes	con.	con.	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	con.	con.	yes	con.	yes	con.	yes	yes
no	no	no	no	no	no	con.	no	no	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	yes	con.	yes	yes	yes	yes	yes	yes
con.	con.	yes	yes	yes	yes	yes	yes	yes	yes
no	no	no	no	no	no	no	no	no	no
con.	yes	con.	con.	con.	con.	yes	yes	con.	con.
yes	con.	yes	no	yes	yes	yes	yes	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

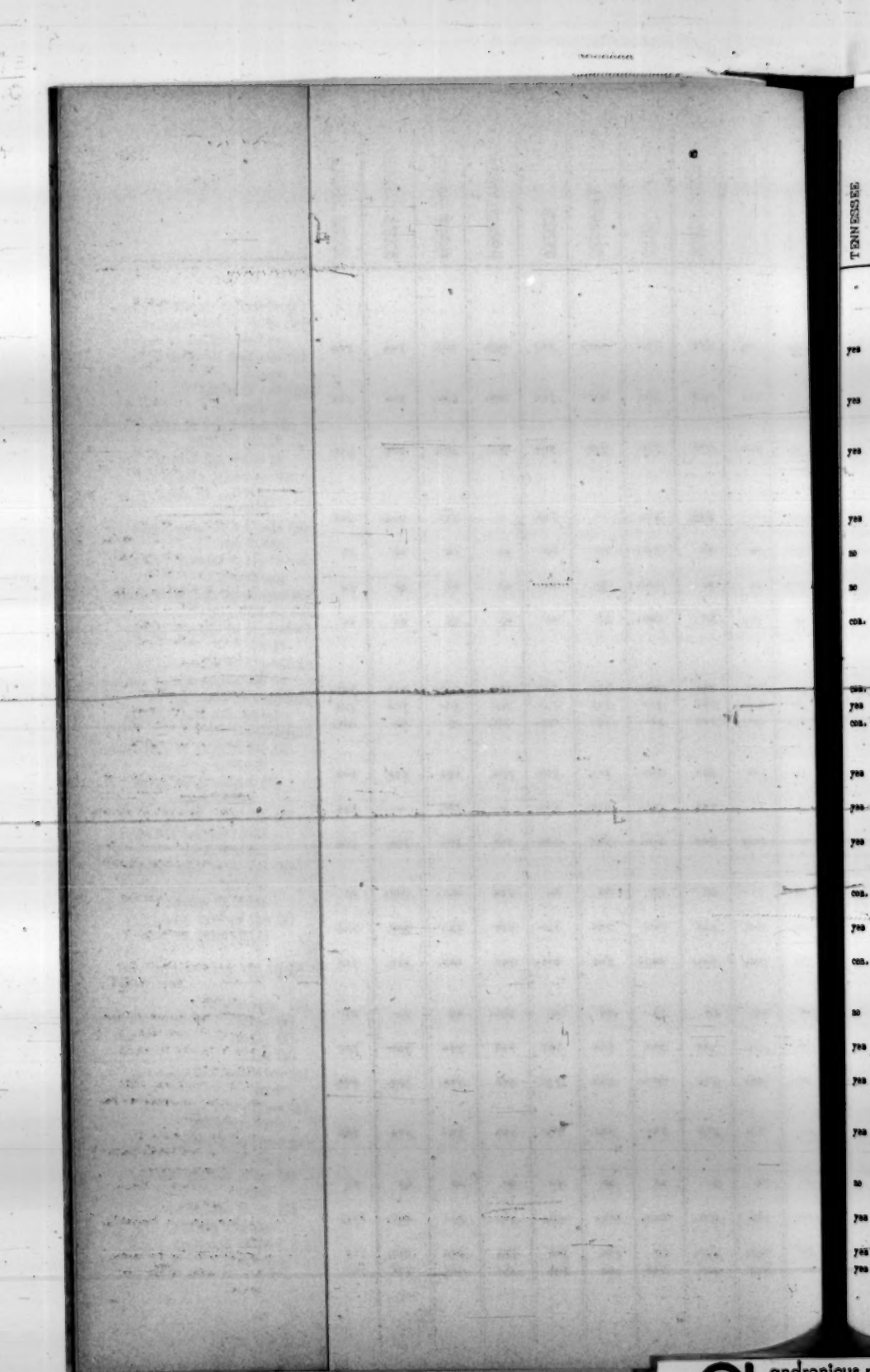
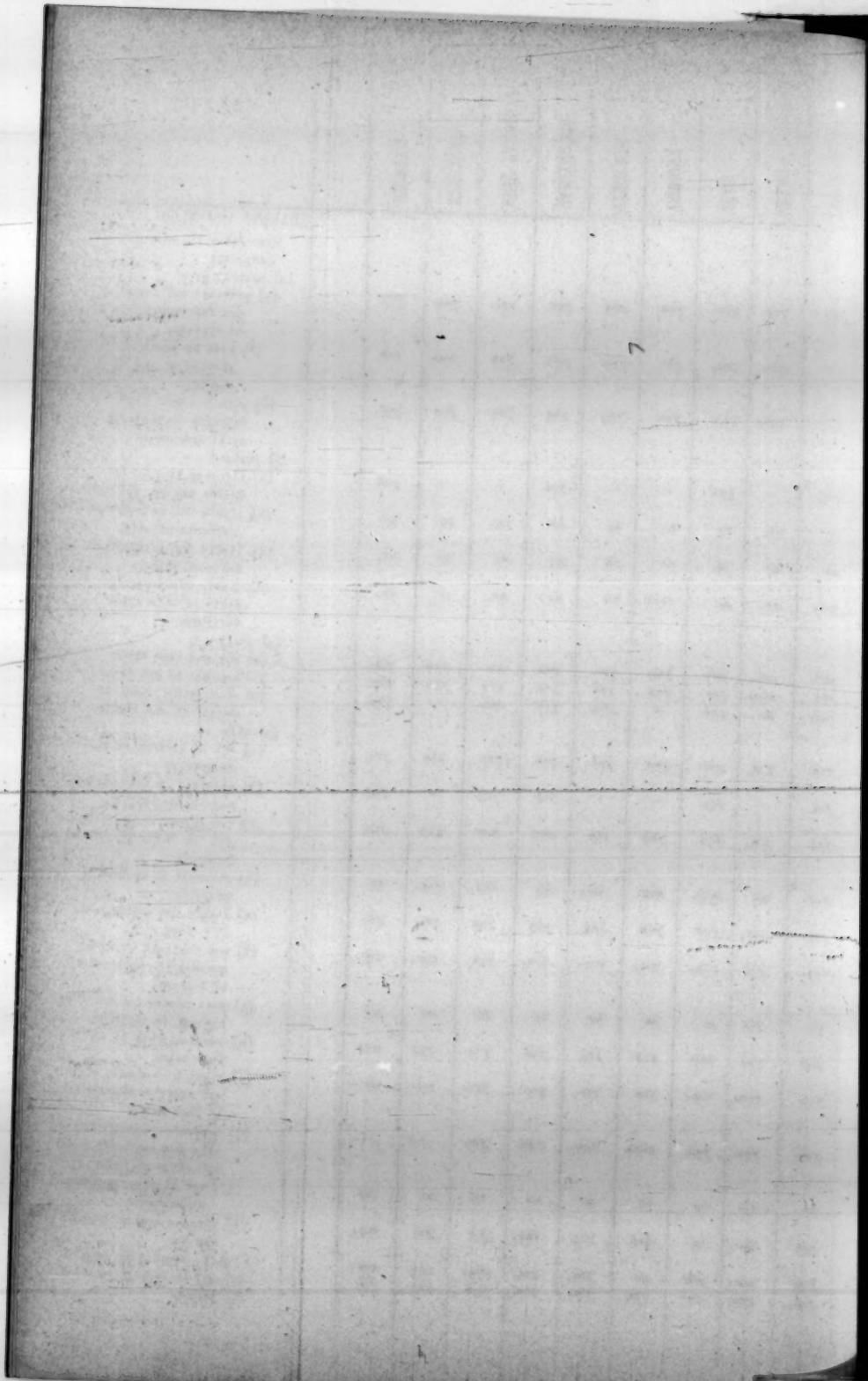

TENNESSEE
yes
yes
yes
yes
no
no
con.
con.
yes
con.
yes
yes
yes
con.
yes
con.
no
yes
yes
yes
no
yes
yes
yes

TABLE III

TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	
									Husband and Wife
									(See Table IV, also for property)
									(1) contracts - -
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) marriage settlement contracts must be in writing.
yes	yes	yes	yes	yes	yes	yes	con.	yes	(*) must be executed acknowledged and recorded.
yes	con.	yes	yes	yes	yes	yes	yes	yes	(b) wife has full legal capacity to contract as if feme sole.
									(2) husband - -
yes	-	yes	-	-	yes	-	-	yes	(a) attorney in fact or agent, may be, for wife.
no	no	no	no	no	no	no	no	no	(b) liable for antenuptial contracts of wife.
no	no	no	no	no	no	no	no	no	(c) liable for antenuptial debts of wife.
con.	no	no	con.	no	no	no	no	no	(d) liable for separate debts of wife after marriage.
									(3) suits - -
con.	con.	yes	yes	yes	yes	no	yes	yes	(a) may sue each other.
yes	con.	yes	yes	yes	yes	yes	yes	yes	(b) may sue in own name.
con.	no	yes	-	con.	yes	con.	-	yes	(c) sued jointly wife may defend in own right.
									(4) wife - -
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) act as administratrix or executrix.
yes	-	yes	-	-	yes	yes	-	yes	(b) attorney in fact or agent, may be for husband.
yes	con.	yes	yes	yes	yes	yes	yes	yes	(c) can appear in court without the authority of her husband.
con.	no	con.	con.	con.	no	con.	con.	no	(d) interest in husband's property.
yes	con.	yes	yes	yes	yes	yes	yes	yes	(e) liable and suable, as if a feme sole.
con.	yes	con.	con.	con.	con.	yes	con.	con.	(f) may contract debts for necessaries upon credit of husband.
no	yes	no	no	no	no	no	no	no	(g) must secure consent from husband to contract.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(h) ownership may be as if feme sole.
yes	con.	con.	yes	yes	yes	yes	con.	yes	(i) right to bargain, sell and carry on business as if feme sole.
yes	yes	yes	con.	yes	yes	yes	yes	yes	(j) separate property liable for own debts befor and after marriage.
no	no	no	no	no	no	no	no	no	(*) not liable for debts of husband.
yes	con.	no	yes	yes	con.	yes	yes	con.	(k) witness against husband, may be
yes	con.	yes	no	yes	yes	con.	con.	con.	(5) will, revoked by married.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) may be made by married woman.



ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA
5 yr.	1-2 yr.	2-14 yr.	1-10 yr.	2-14 yr.	10 yr.	$1000 1-15 yr.	1-10 yr.	$1000 1 yr.	2-20 yr.
no	con.	yes	con.	yes	no	yes	con.	yes	yes
yes	yes	yes	yes	yes	con.	yes	yes	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	con.	yes	yes	yes	yes	yes
1 yr.	2 yr.	1 yr.	5 mo.	1 yr.	1 yr.	3 yr.	2 yr.	90 da.	1 yr.
18	18	18	18	18	18	21	18	21	21
21	21	21	21	21	21	21	21	21	21
14	16	16	14	16	18	16	16	16	14
17	18	18	17	18	18	16	18	18	17
con.	yes	yes	yes	yes	yes	yes	yes	yes	yes
-	yes	con.	yes	yes	yes	yes	yes	con.	yes
con.	yes	con.	yes	yes	yes	con.	yes	con.	yes
yes	yes	yes	yes	yes	yes	-	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	yes	yes	con.	yes	-	yes	yes	-	yes
yes	-	yes	yes	-	yes	-	yes	yes	yes
con.	yes	con.	yes	yes	yes	yes	yes	yes	yes
2-5 yr.	1-7 yr.	$2000 10 yr.	3-7 yr.	$5000 10 yr.	$1000 2 yr.	5 yr.	$2000 6 yr.	$500 5 yr.	2-10 yr.
no	-	no	no	no	-	-	yes	con.	-
5 yr.	6 yr.	7 yr.	5 yr.	5 yr.	5 yr.	7 yr.	5 yr.	7 yr.	5 yr.
yes	yes	yes	no	con.	no	no	no	yes	no
yes	-	-	-	-	-	yes	con.	-	-
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	con.	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
-	yes	-	yes	yes	-	-	yes	-	yes
yes	yes	con.	yes	yes	yes	yes	yes	yes	yes
con.	-	yes	yes	no	con.	-	yes	-	yes
yes	-	yes	yes	yes	yes	-	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
no	no	no	no	no	no	no	no	no	no
-	2	2	-	yes	2	-	2	-	-

IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS
2-14 yr.	1-10 yr.	$500 1-5 yr.	10 yr.	2-21 yr.	1-5 yr.	2-10 yr.	1-10 yr.	1-8 yr.	$1000 1 yr.
yes	no	no	con.	con.	yes	yes	-	yes	yes
yes	con.	no	yes	yes	yes	yes	con.	yes	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	no	no	yes	yes	yes	yes	yes	yes	
6 wk.	1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	2 yr.	con.
18	18	18	18	18	21	21	18	18	18
21	21	21	21	21	21	21	21	21	21
18	16	16	14	16	14	14	16	16	12
18	18	18	16	18	16	12	16	21	14
yes	yes	no	yes	yes	yes	yes	yes	yes	no
yes	-	yes	con.	yes	yes	yes	yes	-	-
yes	-	-	con.	yes	yes	yes	yes	-	-
yes	yes	yes	yes	yes	yes	-	yes	yes	yes
con.	-	no	yes	yes	yes	yes	yes	yes	yes
yes	-	yes	yes	yes	yes	-	yes	-	yes
con.	-	no	-	-	yes	yes	-	yes	-
yes	-	yes	yes	yes	yes	no	yes	yes	no
$2000	$1000	$1000	$500	$500	3-9	$500	$500	21-	$500
3 yr.	1-5 yr.	2-5 yr.	5 yr.	5 yr.	yr.	2-5 yr.	1-5yr.	9 yr.	5 yr.
yes	no	yes	yes	no	no	no	-	no	con.
5 yr.	5 yr.	5 yr.	3 yr.	5 yr.	5 yr.	10 yr.	7 yr.	7 yr.	7 yr.
no	con.	yes	yes	yes	yes	yes	yes	con.	yes
-	yes	con.	-	-	yes	yes	yes	-	-
yes	yes	yes	con.	yes	yes	yes	yes	yes	yes
yes	-	yes	con.	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
-	yes	yes	yes	yes	yes	-	yes	-	yes
yes	con.	yes	yes	yes	yes	yes	yes	yes	yes
con.	yes	yes	-	no	no	con.	yes	yes	yes
yes	-	yes	-	-	yes	yes	-	yes	-
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
no	no	no	no	no	no	no	no	no	no
yes	-	-	-	-	2	3	-	con.	-

MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO
1-10 yr.	$1000 3-30 yr	5-15 yr.	3 yr.	2-14 yr.	1-5 yr.	1-14 yr.	–	$1000 1-12 yr	$1000 3-10 yr
no	con.	con.	con.	yes	con.	con.	con.	no	con.
con.	yes	–	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	6 wk.	1yr.	2 yr.	1 yr.
18	18	18	18	18	21	18	18	18	18
18	21	21	21	21	21	21	20	21	21
16	16	18	15	16	16	16	12	16	16
18	18	21	15	18	18	18	14	18	18
con.	yes	yes	yes	yes	yes	con.	no	yes	–
con.	yes	yes	yes	yes	yes	yes	–	–	–
con.	yes	con.	yes	yes	yes	yes	–	–	–
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	yes	yes	con.	yes	yes	con.	no	yes	yes
yes	yes	yes	con.	yes	yes	con.	–	–	yes
no	–	con.	con.	yes	yes	yes	–	–	–
yes	yes	–	con.	yes	yes	yes	con.	yes	yes
con.	5 yr.	1-10 yr.	$500 5 yr.	$2000 1-3 yr	1-7 yr.	$1000 1-5 yr	$500 1-3 yr	$1000 1-20yr	2-7 yr.
yes	yes	yes	no	con.	con.	con.	yes	yes	con.
yes	5 yr.	7 yr.	7 yr.	5 yr.	7 yr.	5 yr.	3 yr.	7 yr.	–
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	–	–	–	–	yes	–	yes	yes	–
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	yes	yes	yes	yes	con.	con.	yes	yes	–
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
–	–	con.	con.	no	con.	–	con.	–	con.
no	–	yes	yes	yes	yes	yes	–	–	–
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
no	no	no	no	no	no	no	no	no	no
2	2	–	–	2	2	2	–	2	2

andronique publishing company

NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA
$1000	1-5	$1000	6 mo.-	1-10	1-5	$5000	1-5		$1000
1-10yr	yr.	1-3yr.	3 yr.	yr.	yr.	1-3yr.	yr.	5 yr.	5 yr.
no	con.	yes	con.	yes	yes	no	con.	con.	yes
yes	yes	yes	con.	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	no	yes
yes	yes	yes	yes	yes	yes	yes	yes	no	yes
1 yr.	1 yr.	1 yr.	1yr.	1 yr.	1 yr.	1 yr.	2 yr.	no	1 yr.
21	18	18	21	18	18	21	21	18	18
21	18	21	21	21	21	21	21	18	21
14	14	15	16	15	15	16	18	14	15
16	16	18	18	18	18	16	18	18	18
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	-	yes	yes	yes	yes	yes	con.	-	yes
yes	-	yes	-	con.	yes	yes	con.	-	yes
yes	yes	yes	yes	yes	yes	yes	yes	-	yes
yes	yes	con.	-	con.	yes	yes	yes	yes	yes
yes	yes	yes	con.	con.	yes	yes	yes	yes	yes
-	yes	yes	-	yes	yes	-	-	yes	yes
yes	yes	yes	-	yes	yes	yes	con.	-	yes
1-5	4 mo.	1-5	1-7		1-4	$1000	$1000	$300	
yr.	10 yr.	yr.	yr.	5 yr.	yr.	2 yr.	1-5 yr	6mo -3yr	5 yr.
con.	no	no	con.	con.	no	no	no	yes	con.
7 yr.	7 yr.	7 yr.	7 yr.	7 yr.	7 yr.	7 yr.	7 yr.	7 yr.	7 yr.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	-	con.	yes	yes	-	-	-
yes	yes	yes	yes	con.	yes	con.	con.	yes	yes
yes	yes	yes	yes	con.	yes	con.	con.	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	con.	-	yes
-	con.	con.	-	-	con.	-	-	-	con.
-	yes	yes	-	yes	yes	-	-	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
no	no	no	no	no	no	no	no	no	no
2	1	2	2	2	2	2	2	-	2

andronicus publishing company, inc.

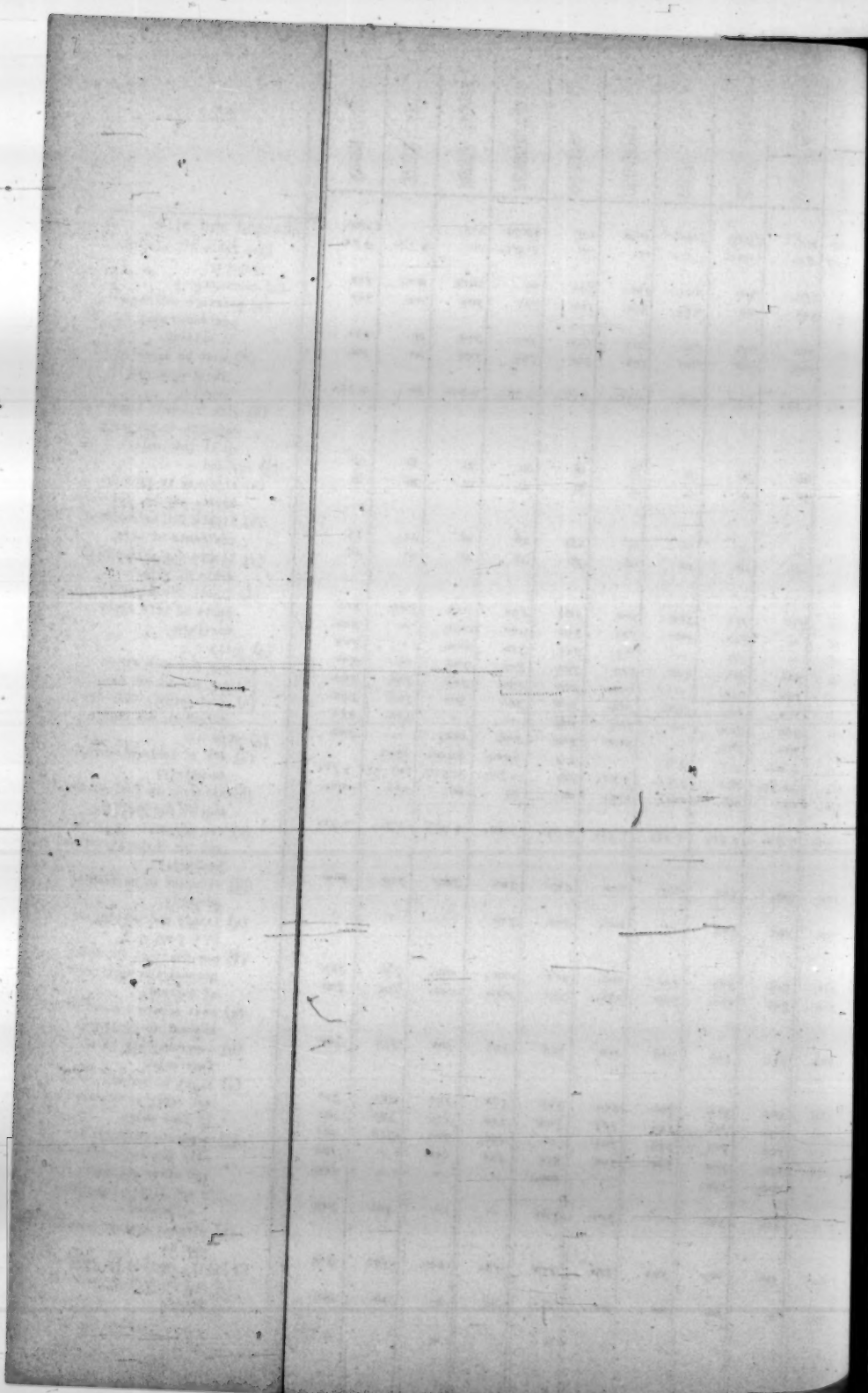


TABLE IV

TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	MARRIAGE
10-21 yr.	2-10 yr.	20 yr.	con.	2-10 yr.	$1000 1-10 yr	$1000 1-5 yr	1-5 yr	5 yr.	(1) Seduction or abduction for punished
yes	yes	con.	no	yes	yes	no	con.	yes	(2) Action breach of promise
yes	yes	yes	yes	yes	yes	yes	yes	yes	(3) Action to annul or void marriage
yes	yes	yes	yes	yes	yes	yes	yes	yes	(4) Action for dissolution of
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) may be brought by either spouse.
2 yr.	1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	1 yr.	2 yr.	60 da.	(b) length of residence in state before starting action
									(5) Age, capable of marriage
18	18	18	18	21	18	21	18	21	(a) female
21	21	21	21	21	21	21	21	21	(b) male
									(6) Under age of minors incapable of marriage.
16	14	14	16	15	15	16	15	16	(a) female
16	16	16	18	17	21	18	18	18	(b) male
									(7) Annulment, divorce or avoidance, grounds for —
yes	yes	yes	no	con.	yes	yes	yes	no	(a) bigamy or polygomy
yes	-	yes	yes	con.	yes	no	yes	yes	(b) fraud
yes	-	yes	yes	con.	yes	no	yes	yes	(c) force or duress
yes	yes	yes	yes	yes	yes	yes	yes	yes	(d) impotency.
yes	yes	yes	yes	yes	yes	yes	yes	no	(e) incest
con.	no	yes	yes	yes	yes	yes	yes	no	(f) insanity
yes	con.	yes	-	con.	-	yes	-	yes	(g) miscegenation
yes	yes	yes	yes	yes	yes	yes	yes	yes	(h) nonage
		$500							(8) Bigamy, fine or imprisonment.
5 yr.	2-5 yr	5 yr.	5 yr.	3-6yr.	1-5 yr.	1-5 yr.	1-5 yr.	1-5 yr.	
con.	con.	no	no	no	no	no	no	no	(9) Common law marriages recognized.
5 yr.	7 yr.	5 yr.	7 yr.	7 yr.	5 yr.	7 yr.	7 yr.	-	(10) Death of spouse presumed after number of years
									(11) License - -
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) necessary before marriage.
-	yes	con.	con.	yes	yes	con.	yes	yes	(b) must have health certificate or affidavit
									(12) Marriage agreements - -
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) must be in writing
yes	yes	yes	yes	yes	yes	yes	con.	yes	(b) to be acknowledged before required officers
									(13) Minor - -
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) consent of parent or guardian necessary
									(14) Prohibited or void marriages
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) bigamous
yes	yes	yes	yes	yes	yes	yes	yes	yes	(b) consanguinity
yes	-	yes		yes	yes	yes	yes	yes	(c) insanity
yes	yes	yes	yes	yes	yes	yes	yes	yes	(d) nonage
-	yes	con.	yes	yes	-	yes	yes	con.	(e) out of state to evade local laws.
yes	yes	yes	-	yes	-	yes	-	yes	(f) race difference, miscegenation.
									(15) Solemnization of - -
yes	yes	yes	yes	yes	yes	yes	yes	yes	(a) examination of parties to marriage necessary
no	no	no	no	no	no	no	no	no	(b) no particular form required.
-	-	2	-	-	2	con.	2	2	(c) number witnesses required.

ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA
con.	con.	yes	con.	yes	con.	no	yes	yes	con.
no	con.	yes	con.	no	con.	con.	yes	yes	con.
con.	con.	con.	con.	con.	con.	con.	con.	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	con.	yes	yes	yes	–	con.	–	con.	yes
yes	yes	yes	yes	yes	con.	yes	yes	yes	yes
no	no	no	no	no	no	no	–	no	no
con.	con.	1/3	con.	con.	1/2	con.	con.	con.	con.
con.	all	all	con.	con.	all	con.	con.	all	all
con.	1/2	1/3	con.	con.	1/2	1/3	con.	con.	con.
no	no	no	no	no	no	no	no	con.	no
con.	yes	yes	–	yes	yes	yes	–	–	yes
yes	yes	con.	yes	con.	con.	–	yes	yes	con.
yes	yes	no	yes	yes	yes	con.	no	no	yes
no	yes	yes	yes	yes	yes	yes	yes	no	con.
con.	no	no	yes	no	no	no	con.	–	con.
no	yes	yes	yes	yes	yes	yes	yes	no	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	con.	yes	con.	–	yes	con.	–	–
yes	yes	con.	yes	con.	yes	yes	–	yes	yes
–	yes	yes	–	yes	–	–	–	–	yes
–	–	–	yes	yes	–	–	–	–	–
no	no	no	con.	no	no	con.	no	yes	no

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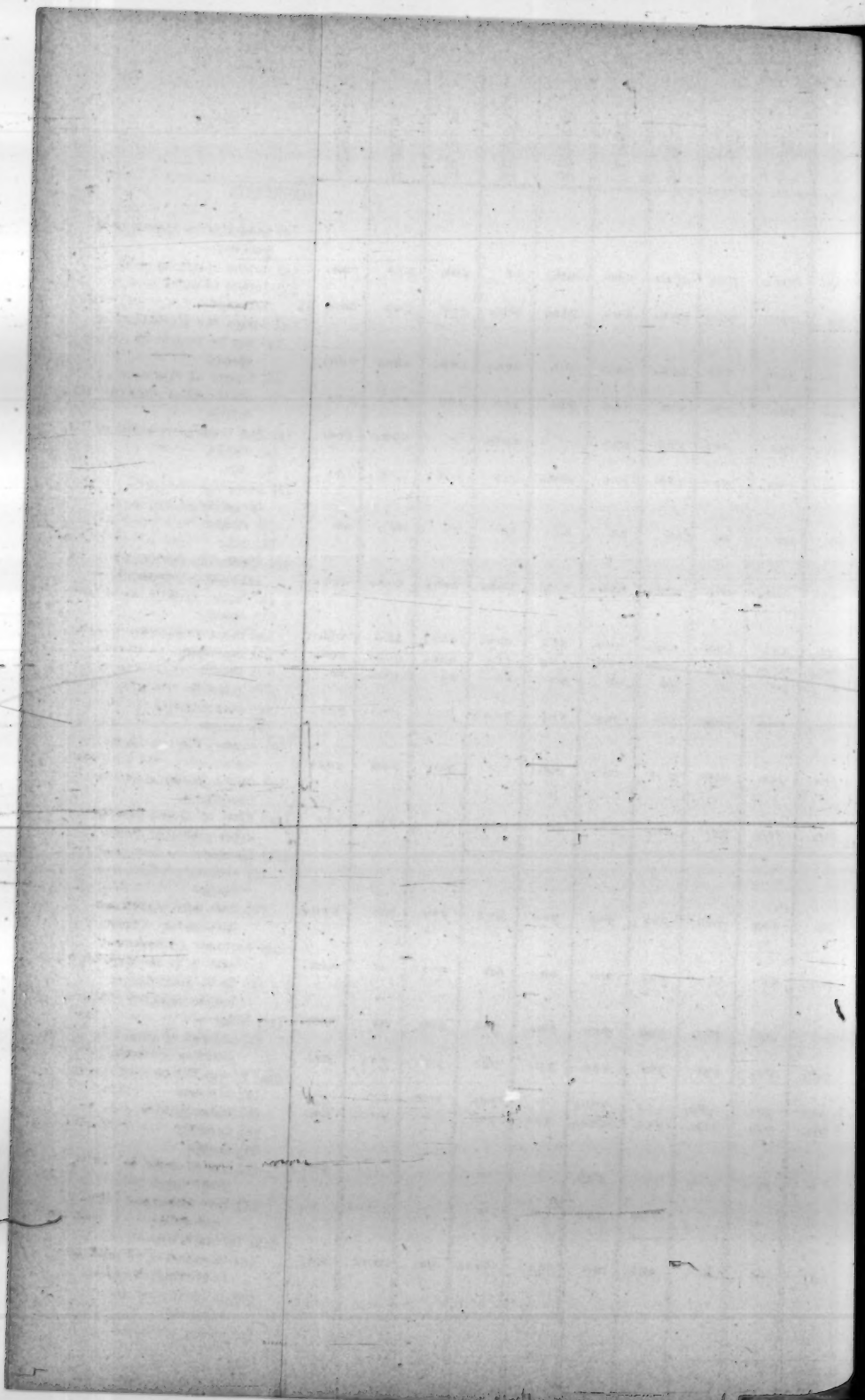

IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS
yes	yes	yes	no	con.	con.	con.	yes	yes	con.
yes	no	no	yes	con.	con.	no	–	no	no
1/2	con.	con.	con.	con.	con.	con.	con.	con.	1/3
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	–	–	–	–	–	con.	–	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
no	no	no	no	no	con.	no	no	con.	no
con.	con.	con.	con.	con.	con.	con.	con.	con.	1/3
con.	con.	con.	con.	con.	con.	con.	all	con.	con.
con.	con.	con.	con.	con.	con.	con.	1/3	con.	con.
no	no	no	no	no	no	no	no	no	no
yes	con.	–	yes	yes	–	–	con.	yes	yes
yes	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	yes	yes	con.	yes	no	con.	yes	yes	yes
yes	yes	no	yes	yes	no	yes	yes	yes	yes
no	con.	–	no	con.	con.	con.	no	con.	con.
yes	yes	yes	yes	con.	con.	yes	con.	yes	yes
yes	yes	yes	yes	con.	yes	yes		yes	yes
–	–	yes	–	no	–	yes	–	yes	–
no	yes	yes	yes	yes	yes	con.	yes	yes	yes
yes	–	–	–	–	–	yes	–	–	–
yes	–	–	–	–	–	yes	–	–	–
no	con.	no	no	no	no	no	con.	yes	con.

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MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO
yes	con.	con.	con.	con.	con.	no	con.	con.	yes
yes	con.	con.	con.	con.	con.	no	con.	con.	no
con.	con.	con.	con.	con.	con.	con.	con.	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	con.	no	con.	con.	yes	yes	yes	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	no	no	no	no	no	no	no	–	no
con.	con.	con.	con.	con.	con.	1/2	con.	con.	con.
1/2	1/2	con.	con.	1/2	1/2	1/2	con.	con.	con.
1/3	1/3	con.	con.	con.	con.	1/2	con.	con.	con.
no	no	no	no	no	no	no	no	no	no
con.	yes	no	con.	con.	con.	yes	–	con.	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	no	yes	yes	yes	con.	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
con.	no	con.	con.	no	no	no	con.	con.	no
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
–	–	yes	yes	yes	–	–	–	yes	–
yes	yes	yes	yes	yes	yes	yes	–	yes	yes
–	yes	–	yes	yes	–	yes	–	–	yes
–	–	–	–	yes	–	yes	–	–	–
no	con.	con.	con.	con.	con.	no	–	no	no

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NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA
yes	con.	con.	con.	con.	con.	yes	yes	con.	con.
yes	con.	con.	con.	con.	con.	no	yes	con.	con.
con.	con.	con.	con.	con.	con.	con.	con.	con.	con.
yes	yes	yes	yes	yes	yes	yes	yes	yes	con.
con.	con.	–	con.	con.	con.	con.	con.	con.	con.
yes	yes	yes	yes	yes	yes	yes	con.	yes	yes
no	no	no	no	no	no	no	con.	no	no
con.	con.	con.	con.	con.	con.	con.	con.	1/3	con.
con.	con.	con.	3/4	1/2	con.	con.	con.	con.	con.
con.	con.	con.	con.	con.	con.	con.	con.	con.	con.
no	no	no	no	no	no	con.	con.	no	no
yes	yes	yes	yes	yes	yes	no	con.	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	con.	yes	yes
yes	con.	yes	yes	yes	yes	no	yes	yes	yes
no	con.	no	no	no	no	yes	con.	con.	no
yes	no	yes	yes	yes	yes	no	yes	yes	yes
yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
yes	yes	–	–	yes	–	yes	yes	yes	yes
yes		con.	con.	yes	yes	yes	yes	yes	yes
–	yes	yes	–	yes	–	yes	–	–	yes
–	–	–	–	yes	con.	con.	–	–	yes
no	no	con.	con.	no	no	no	no	no	no

andronicus publishing company inc

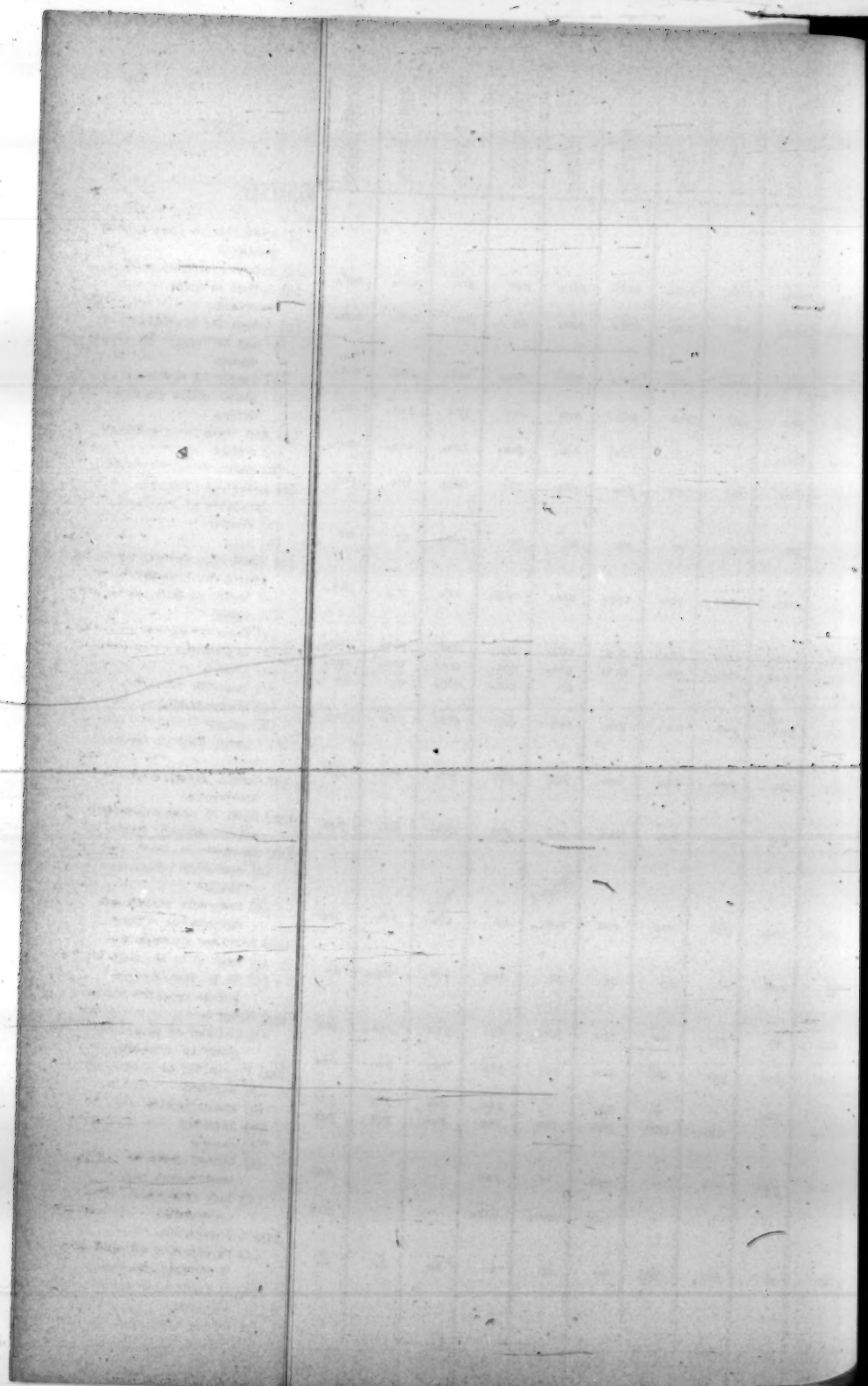
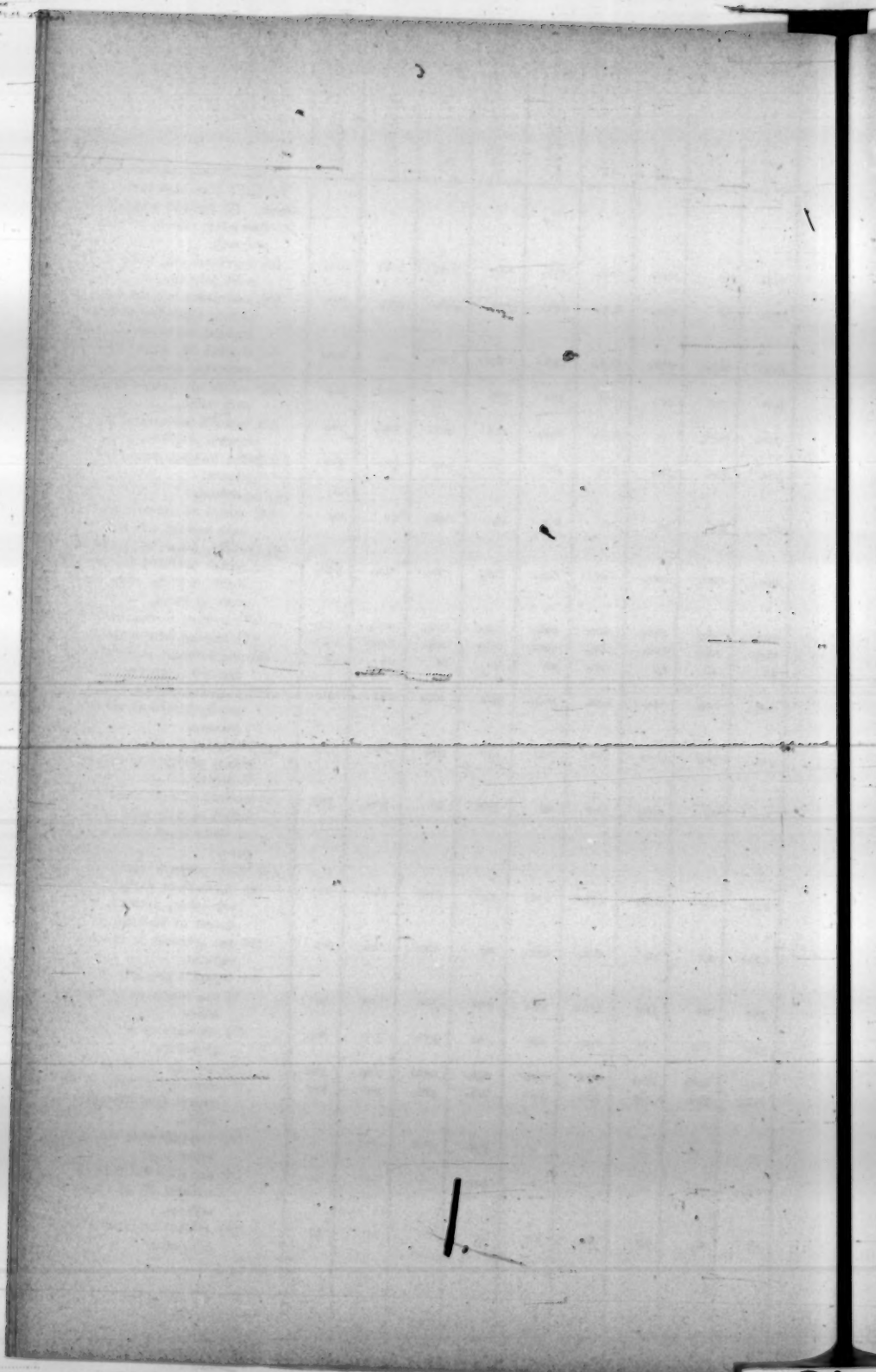


TABLE V

TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	PROPERTY (See also tables II Dower, III Husband & Wife)
									(1) Community, common or real property.
con.	no	con.	con.	con.	yes	con.	con.	con.	(a) conveyance of, wife must join in.
con.	no	con.	con.	con.	yes	con.	con.	con.	(b) conveyance of, not valid unless acknowledged by husband and wife.
con.	con.	con.	con.	con.	con.	con.	con.	con.	(c) descent of, amount to surviving spouse.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(d) estate of, passes charged with debts.
con.	yes	–	con.	con.	yes	con.	con.	yes	(e) husband has control of common property.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(2) Heirs lacking, property escheats.
									(3) Homestead.
no	no	no	no	yes	no	con.	no	no	(a) cannot be conveyed unless husband and wife join.
									(4) Husband, property rights of
con.	con.	con.	con.	con.	con.	con.	con.	con.	(a) amount entitled to, on death of wife, after payment of debts.
con.	con.	con.	con.	con.	con.	con.	con.	con.	(*) leaving no descendants.
con.	con.	con.	con.	con.	con.	con.	con.	con.	(*) leaving descendants.
no	no	no	con.	no	no	no	no	no	(b) has interest in wife's separate property.
con.	yes	yes	con.	con.	yes	con.	con.	yes	(c) property of, can be conveyed without wife joining.
yes	yes	yes	yes	yes	yes	yes	yes	yes	(5) Illegitimate child without heirs, property to descend to mother.
yes	no	con.	yes	no	yes	no	yes	yes	(6) Kindred of half blood inherits equally with those of whole blood in same degree.
									(7) Wife, property rights of,
yes	no	yes	con.	yes	yes	yes	yes	yes	(a) alienate or mortgage her lands, without assent of husband.
con.	no	no	con.	con.	no	con.	con.	no	(b) has interest in husband's estate.
									(c) separate property of.
yes	no	yes	con.	yes	yes	yes	yes	yes	(*) can convey as if feme sole.
yes	yes	yes	con.	yes	yes	yes	yes	yes	(*) consists of all her property.
yes	con.	yes	yes	yes	con.	con.	yes	yes	(*) damages recovered
con.	yes	yes	yes	yes	con.	yes	yes	yes	(*) earnings of wife as exempt from husband's debts.
–	–	–	–	–	yes	yes	yes	–	(*) earnings when living separate.
con.	yes	–	–	–	yes	–	–	–	(*) may make and file inventory of, in recorder's office.
no	no	no	no	no	no	no	no	no	(*) subject to liabilities of husband.



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(2)
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(13) 2187; 2182.
(14)
(a) 2182; 2187; 2188.

Dower

(1)
(2)
(a)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9)
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

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(1)
(a) 4107; 4108.
(b) 4118.
(c) 4116.
(2) 4114; 4120.
(3) 2163.
(4)
(a) 4109; 4122.
(b) 4109; 4122.
(5) 4118; 4109.

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(1)
(a) 2171; 970.
(*) 2171; 970.
(b) 2174.
(2)
(a) 957.
(b) 2175.
(c) 2175.
(d) 2175 Annot.
(3)
(a) 3729.
(b) 3729.
(c) 3729.
(4)
(a) 3922.
(b) 957.
(c) 3729.
(d) 2173.
(e) 3729.
(f) 2176; 3729.
(g) 2174.
(h) 2174; 955.
(i) 2173; 2174.
(j) 2174; 2175.
(*) 2174.
(k) 4412; 5178.
(5) 3638.
(a) 3636.

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(1) 4597.
(2) 2058.
(3) 2178.
(4) 2178; 2179 Supp. 1936.
(a) 2178; 2179 Supp. 1936.
(b) 2180.
(5)
(a) 2163.
(b) 2163.
(6)
(a) 2161.
(b) 2161.
(7)
(a) 4647; 4648; 2178.
(b) 4597; 2178.
(c) 4597; 2178.
(d) 2179 Supp. 1936.
(e) 2166 Supp. 1936; 4649; 2178.
(f)
(g) 2166 Supp. 1936; 2178.
(h) 2179 Supp. 1936; 2163; 2178.
(8) 4647.
(9) 2170.
(10) 2070.
(11)
(a) 2162; 2170; 4565.
(b)
(12)
(a) 2171.
(b) 2171; 970.
(13)
(a) 2163; 2168.
(14)
(a) 4647; 4648.
(b) 2166 Supp. 1936; 4649.
(c)
(d) 2163.
(e) 2167.
(f) 2166 Supp. 1936.
(15)
(a) 2162.
(b) 2170.
(c) 2169.

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(1)
(a) 955; 4785.
(b) 855; 4785.
(c) 985; 986; 4175; 978; 3977 Supp. 1936.
(d) 985.
(e) 2172 Annot.
(2) 4304.
(3)
(a) 956.
(4)
(a) 985; 978; 4175; 3977 Supp. 1936.
(*) 985; 978; 4175; 3977 Supp. 1936.
(*) 985; 978; 4175; 3977 Supp. 1936.
(b) 2174.
(c) 955.
(5) 273; 977.
(6) 981.
(7)
(a) 2174; 955.
(b) 955.
(c)
(*) 2174; 955.
(*) 2173.
(*) 2172.
(*) 2172.
(*) 2172; 2173.
(*)
(*) 2174.

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(3) 262.

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(1)
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(c) 4381.
(d) 4381.
(e) 4381.
(f) 4381.
(g)
(h)
(2) 4390-4393.
(3) 4395.
(4)
(a)
(5) 4381.
(a) 4390-4393.
(b)
(6)
(a) 4389.
(b) 4389.
(c) 4389.
(7) 4382.
(8) 4394.
(9)
(a)
(10) 9022.
(11) 4386.
(12)
(a) 4394.
(13) 4390-4393.
(14)
(a) 4393.

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(1) 4396.
(2) 4399.
(3) 4434.
(4)
(a) 4405; 4393.
(b) 1815; 4406.
(5) 4439.
(a) 4442.
(6) 4410.
(7) 4409.
(8) 4417.
(9) 4422.
(10) 4415; 4416.
(11) 4415.
(12) 4447-54.
(13)
(a) 4433.
(*) 4434.
(b) 4443.
(c) 4433.
(d) 4443.

Guardian and Ward

(1)
(a) 6233; 6239; 6240; 6202.
(b) 6220.
(c) 6231-33; 7235.
(2) 6297.
(3) 9044.
(4)
(a) 6207.
(b) 6207.
(5) 6203; 6220.

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(1)
(a) 9008.
(*) 9009-12.
(b) 7227; 7232.
(2)
(a) 7244.
(b) 7240.
(c) 7240.
(d) 7230.
(3)
(a) 1323.
(b) 7231; 7227; 1323.
(c) 1324; 1325.
(4)
(a) 8; 7227.
(b) 7230.
(c) 7227.
(d) 1815; 1866-69; 7181.
(e) 7231; 1324.
(f) 7230.
(g) 7227; 7231.
(h) 7231.
(i) 7231.
(j) 7230; 7240.
(*) 7230; 7239; 7223.
(k) 3959; 3041; 5156.
(5) 14510; 14511.
(a) 14520; 14521.

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(1) 3039-41; 2952; 2953.
(2) 8929; 8938.
(3) 9021.
(4) 4381; 9021.
(a) 4381; 9021.
(b) 4386.
(5)
(a) 6215.
(b) 6215.
(6)
(a) 9017.
(b) 9017.
(7)

Arkansas

(a) 4381.
(b) 9021; 2952.
(c) 9021; 2952.
(d) 9021.
(e) 9018; 9021.
(f) 9021.
(g) 9019; 3290.
(h) 9017; 9021.
(8) 3296.
(9) 3287; 9039.
(10) 9024.
(11)
(a) 9039.
(b)
(12)
(a) 9008.
(b) 9009-12.
(13)
(a) 9044.
(14)
(a) 4381; 3293-96.
(b) 9018.
(c) 9021.
(d) 9017; 9021.
(e) 9023.
(f) 9019; 3289; 3290.
(15)
(a) 9040; 9043; 9044.
(b) 9030; 9031.
(c)

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(1)
(a) 1815; 1866-69; 7181.
(b) 1815; 1866-69.
(c) 80 to 90; 4396; 4402; 4338; 4417; 4420.
(d) 4338; 130.
(e) 4420.
(2) 4344; 5087.
(3)
(a) 7181.
(4)
(a) 4363; 4338; 4422.
(*) 4363; 4338; 4422.
(*) 4363; 4338; 4422.
(b) 7230.
(c)
(5) 4340.
(6) 4349.
(7)
(a) 7223; 7227.
(b) 7181; 4396.
(c)
(*) 1814; 7223.
(*) 7230.
(*) 7227.
(*) 7230.
(*)
(*) 7241-43.
(*) 7223; 7230; 7239.

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(d)
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(g) 92 C.C.; 105 C.C.; 107 C.C.
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(4)
(a)
(5) 136 C.C.; 137 C.C.
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(a) 137 C.C.
(10) 61 C.C.; 132 C.C.; 133 C.C.; 139 C.C.
(11) 128 C.C.
(12)
(a) 141-143 C.C.
(13) 136-143 C.C.; 146-148 C.C.
(14)
(a) 140-143 C.C.; 146-148 C.C.

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(1) 173 C.C.
(2)
(3)
(4)
(a)
(b)
(5)

California

(a)
(6)
(7)
(8)
(9) 173 C.C.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

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(1)
(a) 1405 P.C.; 1440 P.C.
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(4)
(a) 1500 P.C.; 1590 P.C.
(b) 1500 P.C.; 1590 P.C.
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(1)
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(*) 178-180 C.C.
(b) 158 C.C.
(2)
(a) 1094 C.C.
(b) 167 C.C.
(c) 170 C.C.
(d) 171 C.C.
(3)
(a) 370 C. P.
(b) 370 C. P.
(c) 371 C. P.
(4)
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(b) 1094 C.C.
(c) 370 C. P.
(d) 157 C.C.; 163 C.C.
(e) 370 C.C.
(f) 174 C.C.; 167 C.C.
(g) 158 C.C.; 162 C.C.
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(a) 90 C.C.
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(5)
(a) 56 C.C.; 69 C.C.
(b) 56 C.C.; 69 C.C.
(6)
(a) 56 C.C.
(b) 56 C.C.
(7)
(a) 82 C.C.
(b) 82 C.C.
(c) 82 C.C.
(d) 82 C.C.
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(f) 82 C.C.
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(9) 55 C.C.; 68 C.C.; 79 C.C.
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(11)
(a) 69 C.C.; 79 C.C.
(b)
(12)
(a) 178 C.C.; 1624 C.C.
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(13)
(a) 56 C.C.; 69 C.C.;
(14)
(a) 82 C.C.
(b) 59 C.C.; 80 C.C.; 285 Pen. C.
(c) 82 C.C.; 69 C.C.
(d) 82 C.C.; 69 C.C.
(e) 63 C.C.
(f) 60 C.C.; 69 C.C.
(15)
(a) 69 C.C.
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(c) 72 C.C.

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(b) 172(a) C.C.
(c) 201 P.C.; 202 P.C.; 203 P.C.; 228 P.C.; 173 C.C.
(d) 202 P.C.
(e) 161(a), C.C.; 172 C.C.; 172(a) C.C.

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(2) 231 P.C.; 1027 P.C.
(3)
  (a) 1242 C.C.
(4)
  (a) 201-203 P.C.; 220, 221, 223, 224, 229 P.C.
    (*) 223-226 P.C.; 220, 221, 223, 224, 229 P.C.
    (*) 221 P.C.; 122 P.C.; 220, 221, 223, 224, 229 P.C.
  (b) 157 C.C.
  (c) 163 C.C.; 172 C.C.
(5) 255 P.C.; 256 P.C.
(6) 254 P.C.
(7)
  (a) 162 C.C.
  (b) 163 C.C.; 172 C.C.
  (c)
    (*) 162 C.C.; 1093 C.C.
    (*) 162 C.C.
    (*) 168 C.C.
    (*) 168 C.C.
    (*) 169 C.C.
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  (a)
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(12)
  (a)
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(14)
  (a)

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  (a)
(3)
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  (a)
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  (a)
    (*)
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(2)
(a)
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(13)
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(e) 1597c, Supp. 1931-35.
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(g)
(h) 1597c, Supp. 1931-35.
(2) 5182; 5175.
(3)
(4)
(a)
(5)
(a)
(b)
(6)
(a)
(b)
(c)
(7)
(8) 5182.
(9)
(a)
(10) 5175.
(11) 5181.
(12) 5161; 4815.
(a)
(13) 5182.
(14)
(a) 5182; 5183.

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(1) 5158; 5154; 5157.
(2) 5055; 5056.
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(4)
(a) 5158.
(b) 5157; 5158; 5162.
(5) 5159.
(a)
(6) 5156; 5161.
(7) 5158; 5157; 5156.
(8) 4956; 5042.
(9) 5158; 5157.
(10) 4956.
(11) 4954.
(12)
(13)
(a) 5159.
(*)
(b)
(c) 5159.
(d)

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(1)
(a) 4796; 4798.
(b) 4802; 4794.
(c) 4802.
(2) 3985; 4799.
(3) 1595c, Supp. 1931-35.
(4)
(a)
(b) 4798; 4799.
(5) 4794.

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(1)
(a) 5982; 5003.
(*) 5162; 5003; 5010.
(b) 5154; 5170.
(2)
(a)
(b) 5154.
(c) 5154.
(d) 1596c, Supp. 1931-35.
(3)
(a) 5154; 1660c, Supp. 1931-35.
(b) 5170.
(c) 5173; 5493.
(4)
(a) 4904.
(b)
(c) 5154; 5170.
(d) 1596c, Supp. 1931-35; 5154; 5042.
(e) 5170; 5154.
(f) 1596c, Supp. 1931-35.
(g) 5170; 5154.
(h) 5154.
(i) 5154.
(j) 5154.
(*) 5154; 1597c, Supp. 1931-35.
(k) 5583; 6480; 4877; 4865.
(5) 4880.
(a) 4875.

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(1) 6227.
(2) 5803.
(3) 5188.
(4) 1597c, Supp. 1931-35
(a) 1597c, Supp. 1931-35.
(b) 5181.
(5)
(a) 4794.
(b) 4794.
(6)
(a) 1595c, Supp. 1931-35.
(b) 1595c, Supp. 1931-35.
(7)
(a) 1597c, Supp. 1931-35.
(b) 1597c, Supp. 1931-35.
(c) 6227.
(d)
(e) 5148; 5188; 6229.
(f) 1597c, Supp. 1931-35.
(g)
(h) 1595c, Supp. 1931-35; 5188.
(8) 6224.
(9)
(10) 4908; 1597c, Supp. 1931-35.
(11)
(a) 1595c, Supp. 1931-35.
(b) 1595c, Supp. 1931-35; 787d, supp. 1937.
(12)
(a) 5982; 5003.
(b) 5162; 5003; 5010.
(13)
(a) 1595c, Supp. 1931-35.
(14)
(a) 6224.
(b) 5148; 6229.
(c)
(d) 1595c, Supp. 1931-35.
(e)
(f)
(15)
(a) 1595c, Supp. 1931-35.
(b) 5153.
(c)

Property

(1)
(a) 5154; 5009; 5173.
(b) 5154; 5009; 5173; 5042.
(c) 5158; 5157; 5156; 4980-4982.
(d) 5156.
(e) 1596c, Supp. 1931-35; 5169.
(2) 4997; 4998.
(3)
(a) 5042.
(4)
(a) 5156; 5158; 5165-5168; 5149; 5171.
(*) 5156-5158; 5165-5168; 5171.
(*) 5156; 5158; 5165-5168; 5171.
(b) 5154.
(c) 5154.
(5)
(6) 4982.
(7)
(a) 5170.
(b) 1596c, Supp. 1931-35; 5154.
(c)
(*) 5170; 5165.
(*) 5154; 5169.
(*) 1596c, Supp. 1931-35.
(*) 5154; 1596c, Supp. 1931-35.
(*)
(*)
(*) 1596c, Supp. 1931-35; 5154.

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(1) ch. 187, sec. 1, Sess. 1937.
(2) ch. 187, sec. 1, Sess. 1937.
(3) ch. 187, sec. 2, Sess. 1937.

Divorce

(1)
  (a) 3499.
  (b) 3499.
  (c) 3499.
  (d) 3497.
  (e) 3499.
  (f) 3499.
  (g) 3499.
  (h) ch. 186, Sess. 1937.
(2) 3508; 3511; 3512.
(3) 3519.
(4)
  (a)
(5) 3520.
  (a) 3511; 3512.
  (b) 3520.
(6)
  (a) 3501.
  (b) 3501; 3509.
  (c) 3501; 3509.
(7) 3522; 3523.
(8) 3521.
(9) 3524.
  (a) 3520.
(10) 3519.
(11) 3505.
(12)
  (a) 3511.
(13) 3524.
(14)
  (a) 3511; 3512.

Dower

(1) 3767.
(2) 3655.
(3) 3782.
(4)
  (a)
  (b) 3786; 3543; 3665; 3769; 3770.
(5) 3782; 3754.
  (a) 3783; 3754; 3880-3882.
(6) 3771.
(7) 3769; 3770.
(8)
(9) 3750; 3751.
(10) 3876.
(11) 3876.
(12) 3784; 3663.
(13)
  (a) 3782; 3753.
    (*) 3782; 3737.
  (b) 3787; 3880-3882.
  (c) 3774.
  (d) 3779.

Guardian and Ward

(1)
  (a) 3579; 4422; 4423.
  (b) 3576.
  (c) 4424.
(2) 4433.
(3) 3491.
(4)
  (a) 4422.
  (b) 4422; 3580.
(5) 3576.

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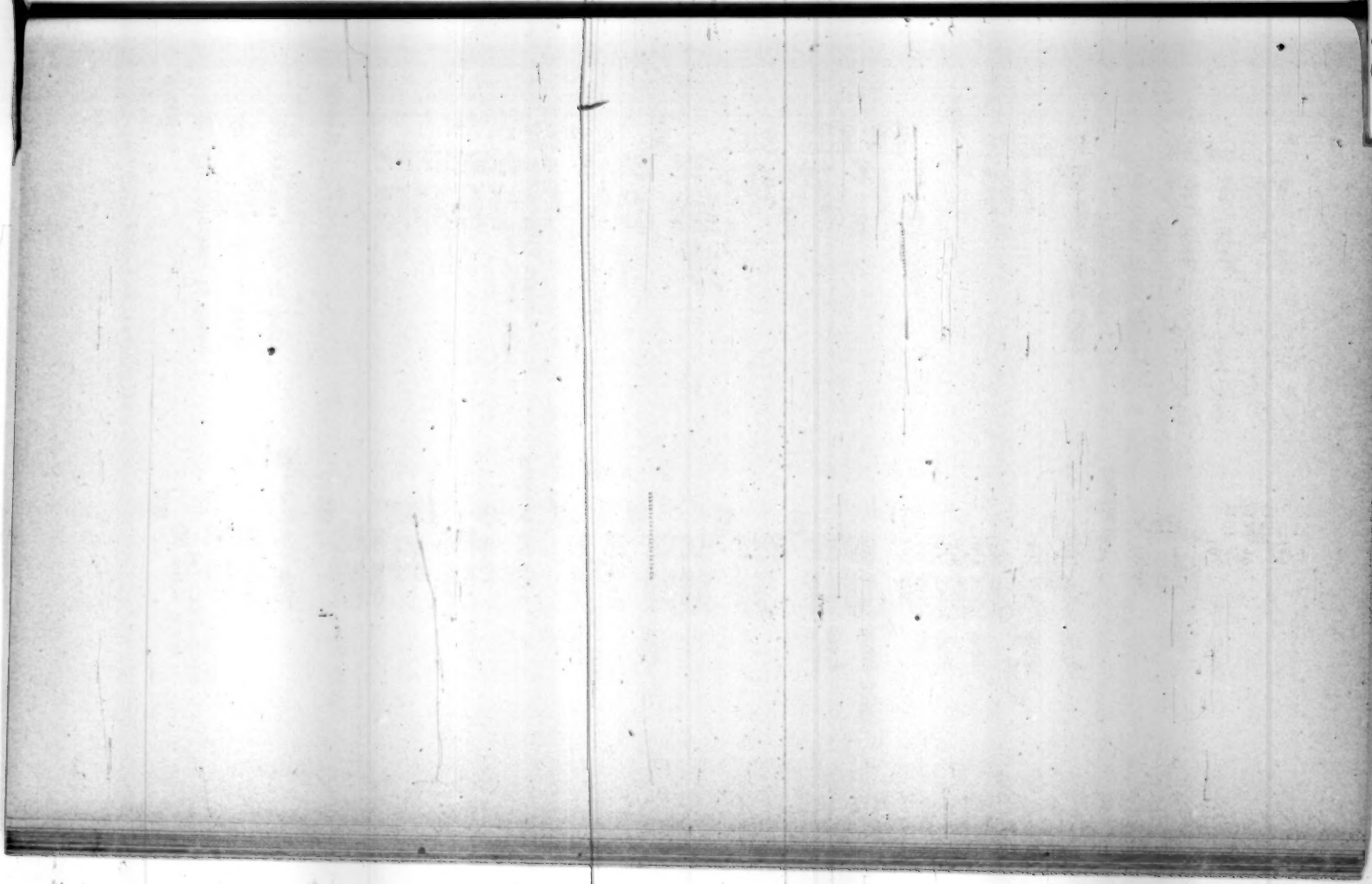
(1)
  (a) 3106; 3496.
    (*) 3496; 3543.
  (b) 3541.
(2)
  (a) 3671; 3672.
  (b) 3547.
  (c) 3547.
  (d) 3547.
(3)
  (a) 3541.
  (b) 3541.
  (c)
(4)
  (a) 3546; 3813.
  (b) 3673; 3540.
  (c) 3541.
  (d) 3847; 3731; 3767; 3543.
  (e) 3541.
  (f) 3547; 3527.
  (g) 3541; 3542.
  (h) 3541.
  (i) 3541; 3542.
  (j) 3547.
    (*) 3541; 3527.
  (k) 4691; 3534.
(5) 3727.
  (a) 3704; 3541.

Marriage

(1) 5261.
(2) 5133.
(3) 3485; 3497.
(4) 3499.
  (a) 3499; 3502.
  (b) 3505.
(5)
  (a) 3491.



Delaware

(b) 3491.
(6)
(a) 3491.
(b) 3491.
(7)
(a) 3497; 3499.
(b) 3497.
(c) 3497.
(d) 3497.
(e) 3497; 3485.
(f) ch. 186, Sess. 1937.
(g) 3485.
(h) 3499.
(8) 5254.
(9) 3493.
(10) 5255.
(11)
(a) 3486.
(b) 3485.
(12)
(a) 3496; 3106.
(b) 3543; 3496; 3767.
(13)
(a) 3491.
(14)
(a) 5255.
(b) 3485; 5257.
(c) 3485.
(d) 3491.
(e) 3485; 5254.
(f) 3485.
(15)
(a) 3490.
(b) 3486.
(c) 3486.

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(1)
(a) 3660-3662; 3496; 3769; 3770.
(b) 3361; 3767; 3496.
(c) 3543; 3767; 3769; 3731; 3771.
(d) ch. 191, sec. 4, Sess. 1937.
(e)
(2) 112.
(3)
(a)
(4)
(a) 3731; 3750; 3751; 3541; 3543; 3847.
(*) 3731; 3750; 3751; 3541; 3543; 3847.
(*) 3731; 3750; 3751; 3541; 3543; 3847.
(b) 3541.
(c)
(5) 3573.
(6) 3731.
(7)
(a) 3541.
(b) 3847; 3731; 3767; 3543.
(c)
(*) 3541.
(*) 3541.
(*) 3541.
(*)
(*)
(*)
(*) 3547; 3527.

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Adoption

(1)
(2) 5078.
(3) 5081.

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(1)
(a) 4983.
(b) 4983.
(c) 4983.
(d) 4983.
(e)
(f) 4983.
(g)
(h)
(2) 4987; 4993(1) Supp. 1936.
(3)
(4)
(a)
(5) 4982.
(a)
(b)
(6)
(a) 4983 Annot. Supp. 1936.
(b) 4983 Annot. Supp. 1936, 1938.
(c) 4980 Annot. Supp. 1936.
(7) 4984.
(8)
(9) 4988; 4989; 4993(1) Supp. 1936.
(a)
(10)
(11) 4981 Supp. 1936.
(12)
(a)
(13) 4993; 4993(1) Supp. 1936.

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(14)
(a) 4987; 4993(1) Supp. 1936.

Dower

(1) 5493.
(2) 5480(6) Supp. 1936.
(3) 5499; 5500; 5501; 5507 (7, 9) Supp. 1938.
(4)
(a)
(b) 5675; 5676; 5872.
(5) 5502.
(a) 5507(1) Supp. 1938.
(6) 5507(1) Supp. 1938.
(7) 5675; 5676; 5872.
(8) 5507(1) Supp. 1938; 5493.
(9)
(10) 5497.
(11) 5507(3) Supp. 1936.
(12) 5680-5685.
(13)
(a) 5507(2, 6) Supp. 1936.
(*) 5507(5, 6, 7) Supp. 1936.
(b)
(c) 5507(2) Supp. 1936; 5495; 5496.
(d)

Guardian and Ward

(1)
(a) 5885.
(b) 5884.
(c) 5884.
(2) 5912; 5929.
(3) 5848; 5850(1) Supp. 1938.
(4)
(a) 5933.
(b) 5933.
(5) 5884.

Husband and Wife

(1)
(a) 5779.
(*) 5660; 5665; 5670.
(b) 5024-5028; 5865.
(2)
(a) 5867.
(b)
(c) 5869.
(d) 5867.
(3)
(a) 5867.
(b) 5870; 5871; 4657.
(c) 5870; 4226.
(4)
(a) 5525; 5526 Supp. 1938; 5541(23, 27) Supp. 1936.
(b)
(c) 5871; 4203.
(d) 5493; 5507(1) Supp. 1938.
(e) 5870.
(f) 7654.
(g) 5024-5028; 5865.
(h) 5866.
(i) 5976.
(j) 5869; 5867.
(*) 5866; 5867.
(k) 4369; 5580.
(5) 5477(7) Supp. 1936.
(a) 5477(1) Supp. 1936.

Marriage

(1) 7554.
(2) 4314(17).
(3) Pg. 2656 Annot. Supp. 1936.
(4) 4980; 4982.
(a) 4983.
(b) 4981 Supp. 1936.
(5)
(a) 5848.
(b) 5848.
(6)
(a) 5850(1) Supp. 1938.
(b) 5850(1) Supp. 1938.
(7)
(a) 4983.
(b) Pg. 2656 Annot. Supp. 1936.
(c) Pg. 2656 Annot. Supp. 1936.
(d) 4983.
(e) 4983.
(f)
(g) 5857; 5861; 5863; 7562.
(h) 7554; 5850(1) Supp. 1938.
(8) 7559.
(9) 5848 Annot. Supp. 1936, 1938.
(10) 5541(146) Supp. 1936.
(11)
(a) 5854
(b)
(12)
(a) 5779.
(b) 5660; 5665; 5670.
(13)
(a) 5848; 5850(1) Supp. 1938.
(14)
(a) 4983; 7559.
(b) 7557; 4983.
(c)
(d) 5848; 7554.
(e)

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(f) 5857; 5863; 7562.
(15)
(a) 5850.
(b) 5853.
(c)

Property

(1)
(a) 5674; 5675; 5686; Pg. 2662, 2663 Annot. Supp. 1936.
(b) 5676.
(c) 5493; 5494; 5541(101) Supp. 1936; 5480(1, 5) Supp. 1936; 5507(1) Supp. 1938; 5484.
(d) 5646; 5610.
(e) 5867; 5868; 5670; 5686.
(2) 5480(11) Supp. 1936.
(3)
(a) 5687; 5674; Const. Art. 10, sec. 4.
(4)
(a) 5480(1) Supp. 1936.
(*) 5480(1) Supp. 1936.
(*) 5480(1) Supp. 1936.
(b) 5866; 5867.
(c)
(5) 5480.
(6) 5480(2) Supp. 1936.
(7)
(a) 5674.
(b) 5493.
(c)
(*) 5674; 5868.
(*) 5866; 5871.
(*)
(*) 5871.
(*)
(*)
(*) 5866.

GEORGIA

Adoption

(1) 74-402.
(2) 74-401.
(3) 74-404.

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(1)
(a) 30-102.
(b) 30-104.
(c) 30-102.
(d) 30-102.
(e) 30-102.
(f) 30-104.
(g)
(h) 30-102.
(2) 30-201 to 30-218.
(3) 30-108.
(4)
(a) 30-111.
(5) 30-101; 30-128.
(a) 30-120; 30-115.
(b) 2-4201; 30-115.
(6)
(a) 30-109.
(b) 30-109.
(c) 30-109.
(7) 30-119.
(8) 30-121.
(9)
(a)
(10) 30-120; 30-123 to 30-125.
(11) 30-107.
(12) 30-111.
(a) 30-115.
(13) 30-206; 30-207; 30-120; 30-210.
(14)
(a) 30-209; 30-115.

Dower

(1) 31-101.
(2) 79-302; 79-303.
(3) 31-203; 31-208.
(4)
(a)
(b) 31-110, Sess. 1937.
(5) 31-208; 31-203.
(a) 31-107; 31-108.
(6) 31-103.
(7) 31-110.
(8) 31-101.
(9) 85-608.
(10) 31-101; 31-102.
(11) 113-1002.
(12)
(13)
(a) 31-201.
(*) 31-202.
(b)
(c) 31-110.
(d)

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(1)
(a) 49-105.
(b) 49-102.
(c) 49-103; 49-104.
(2) 49-201; 49-202.

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(3) 53-204; 53-207.
(4)
(a) 74-108; 53-402.
(b) 74-108; 53-402.
(5) 49-102.

Husband and Wife

(1)
(a) 53-401; 53-407; 20-401.
(*) 53-408; 53-409.
(b) 53-503; 53-505.
(2)
(a) 4-102; 53-501.
(b)
(c)
(d) 53-502; 53-507.
(3)
(a) 37-1001.
(b) 113-2106; 37-1001.
(c) 53-511; 3-111.
(4)
(a) 113-1204.
(b) 53-509; 53-510.
(c) 53-511; 3-111.
(d)
(e) 53-503; 53-511.
(f) 53-510.
(g) 53-503; 53-505.
(h) 53-502; 53-503.
(i)
(j) 53-507; 53-502.
(*) 53-502.
(k) 38-1604; 38-418.
(5) 113-201.
(a) 113-408.

Marriage

(1) 26-6001.
(2) 38-1606; Pg. 120, Sess. 1935.
(3) 53-104.
(4) 30-101.
(a) 30-106.
(b) 30-107.
(5)
(a) 53-204; 74-104.
(b) 53-204; 74-104.
(6)
(a) 53-102.
(b) 53-102.
(7)
(a) 26-5602.
(b) 30-102.
(c) 30-102.
(d) 30-102.
(e) 30-102; 53-105.
(f) 30-102; 53-101.
(g) 53-106.
(h) 53-206; 53-207; 53-102.
(8) 26-5602; 26-5604.
(9)
(10) 26-5603.
(11)
(a) 53-9901.
(b)
(12)
(a) 53-401; 53-407; 20-401.
(b) 53-408; 53-409.
(13)
(a) 53-204; 53-206; 53-207.
(14)
(a) 26-5602; 26-5604.
(b) 30-102; 53-105.
(c) 30-102.
(d) 53-206; 53-207; 53-102.
(e) 53-214.
(f) 53-106.
(15)
(a) 53-202.
(b) 53-209; 53-211.
(c)

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(1)
(a) 51-801; 53-501.
(b) 51-801.
(c) 113-902; 113-903.
(d) 113-903; 113-1508.
(e) 53-501.
(2) 85-1101.
(3)
(a) 51-801.
(4)
(a) 113-902; 113-903.
(*) 113-902; 113-903.
(*) 113-902; 113-903.
(b) 53-502; 53-501.
(c) 53-501.
(5) 113-904.
(6) 113-903.
(7)
(a) 53-503; 53-505.
(b) 31-101; 51-801.
(c)
(*) 53-503; 53-505.
(*) 53-503.
(*)
(*) 53-502.
(*) 53-507; 53-502.
(*)
(*) 53-502.

IDAHO

Adoption

(1) 31-1104.
(2) 31-1103.
(3) 31-1109.

Divorce

(1)
(a) 31-603.
(b) 31-603.
(c) 31-603; 31-609.
(d) 31-501.
(e) 31-603.
(f) 31-603; 31-608; 31-609.
(g) 31-603.
(h) 31-603; 31-801 to 31-805.
(2) 31-706 to 31-710.
(3)
(4)
(a) 31-712 to 31-714; 31-708.
(5)
(a)
(b)
(6)
(a) 31-610; 31-611.
(b) 31-610; 31-613.
(c) 31-610; 31-612.
(7) 31-711; 14-104; 31-503.
(8)
(9)
(a)
(10) 31-207.
(11) ch. 94, Supp. 1935-1937.
(12)
(a) 31-709.
(13) 31-704; 31-706 to 31-710.
(14)
(a) 31-708 to 31-710.

Dower

(1) 31-915.
(2)
(a)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 31-915.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 15-1801 to 15-1804.
(b) 15-1805.
(c) 15-1812.
(2) 15-1811; 15-1822.
(3) 31-202.
(4)
(a) 15-1807; 15-1850.
(b) 15-1807; 15-1850.
(5) 15-1805.

Husband and Wife

(1)
(a) 16-505; 31-918.
(*) 31-919; 30-1902.
(b) 31-903 Annot; 31-904 Annot.
(2)
(a)
(b) 31-911.
(c) 31-911.
(d) 31-911; 31-912.
(3)
(a) 5-304.
(b) 5-304.
(c) 5-305.
(4)
(a) 15-304; 15-317.
(b)
(c) 5-304.
(d) 31-906; 31-907.
(e) 5-304.
(f) 31-907; 31-901 Annot.
(g) 31-903; 31-904.
(h) 31-903.
(i) 31-914.
(j) 31-912.
(*) 31-912.
(k) 19-2902.
(5) 14-313.
(a) 14-302.

Marriage

(1) 17-1605.
(2) 1-1602.
(3) 31-502.
(4) 31-601.
(a) 31-601.
(b) ch. 94, Supp. 1935-1937.
(5)
(a) 31-101.
(b) 31-101.
(6)

Idaho

(a) 31-202.
(b) 31-202.
(7)
(a) 31-501; 31-502.
(b) 31-501; 31-204; 31-502.
(c) 31-501; 31-204; 31-502.
(d) 31-501; 31-204; 31-502.
(e) 31-205; 31-206.
(f) 31-501; 31-502; 31-603.
(g) 31-206.
(h) 31-501; 31-502.
(8) 17-1804; 17-1805.
(9) 31-201.
(10) 31-207.
(11)
(a) 31-406; 31-403.
(b)
(12)
(a) 16-505; 31-918.
(b) 30-1902; 31-919.
(13)
(a) 31-202; 31-302.
(14)
(a) 17-1802; 31-207.
(b) 31-205; 17-1807; 31-806.
(c)
(d) 31-202; 31-501.
(e) 31-209.
(f) 31-206.
(15)
(a) 31-305; 31-404.
(b) 31-304; 31-303.
(c) 31-305.

Property

(1)
(a) 31-913.
(b) 31-913.
(c) 14-113.
(d) 14-113.
(e) 31-913.
(2) 14-117.
(3)
(a) 54-1006.
(4)
(a) 14-103; 14-113; 14-114.
(*) 14-103; 14-113; 14-114.
(*) 14-103; 14-113; 14-114.
(b) 31-903.
(c) 31-904; 31-903; 31-906.
(5) 14-105.
(6) 14-106.
(7)
(a) 31-904.
(b) 31-906.
(c)
(*) 31-904.
(*) 31-903.
(*)
(*) 31-914; 31-912; 31-907.
(*) 31-910.
(*) 31-908; 31-909.
(*) 31-912.

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(1) ch. 4, sec. 3.
(2) ch. 4, sec. 1.
(3) ch. 4, sec. 8.

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(1)
(a) ch. 40, sec. 1.
(b) ch. 40, sec. 1.
(c) ch. 40, sec. 1.
(d) ch. 40, sec. 1.
(e) ch. 40, sec. 1.
(f) ch. 40, sec. 1.
(g)
(h)
(2) ch. 40, sec. 16, 19; 20; 21.
(3)
(4)
(a) ch. 40, sec. 18.
(5)
(a)
(b)
(6)
(a) ch. 40, sec. 11.
(b)
(c)
(7) ch. 40, sec. 4.
(8) ch. 40, sec. 17.
(9) ch. 68, sec. 22.
(a) ch. 68, sec. 22.
(10) ch. 40, sec. 2.
(11) ch. 40, sec. 3.
(12)
(a)
(13) ch. 40, sec. 14, 16, 19, 20, 21.
(14)
(a) ch. 40, sec. 18, 21; ch. 52, sec. 5; ch. 41, sec. 14.

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(1) ch. 41, sec. 1.
(2) ch. 41, sec. 2.
(3) ch. 41, sec. 34, 38, 42.
(4)
  (a) ch. 41, sec. 14.
  (b) ch. 41, sec. 16.
(5) ch. 41, sec. 35.
  (a) ch. 41, sec. 39.
(6) ch. 41, sec. 10.
(7) ch. 41, sec. 7, 8, 9; ch. 30, sec. 16.
(8) ch. 41, sec. 37.
(9) ch. 41, sec. 1.
(10) ch. 41, sec. 37.
(11) ch. 3, sec. 75.
(12) ch. 68, sec. 17.
(13)
  (a) ch. 41, sec. 19, 20, 22.
    (*) ch. 41, sec. 26.
  (b) ch. 41, sec. 44, 46.
  (c) ch. 41, sec. 11, 17.
  (d) ch. 41, sec. 41.

Guardian and Ward

(1)
  (a) ch. 64, sec. 3.
  (b) ch. 64, sec. 4.
  (c) ch. 64, sec. 5.
(2) ch. 64, sec. 19-21.
(3) ch. 89, sec. 3.
(4)
  (a) ch. 64, sec. 42.
  (b) ch. 64, sec. 42.
(5) ch. 64, sec. 4.

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(1)
  (a) ch. 59, sec. 1; ch. 30, sec. 1.
    (*)
  (b) ch. 68, sec. 6.
(2)
  (a) ch. 68, sec. 14.
  (b) ch. 68, sec. 5.
  (c) ch. 68, sec. 5.
  (d) ch. 68, sec. 5.
(3)
  (a) ch. 68, sec. 1, 3.
  (b) ch. 68, sec. 1, 3.
  (c) ch. 68, sec. 2.
(4)
  (a) ch. 3, sec. 3; 18.
  (b) ch. 68, sec. 14.
  (c) ch. 68, sec. 1.
  (d) ch. 68, sec. 6, 9.
  (e) ch. 68, sec. 1.
  (f) ch. 68, sec. 15, 24-33.
  (g) ch. 68, sec. 6.
  (h) ch. 68, sec. 7, 9.
  (i) ch. 68, sec. 7.
  (j) ch. 68, sec. 5.
    (*) ch. 68, sec. 5.
  (k) ch. 68, sec. 30; ch. 51, sec. 5; ch. 38, sec. 684; 734.
(5) ch. 148, sec. 19; ch. 39, sec. 10.
  (a) ch. 148, sec. 1.

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(1) ch. 38, sec. 1.
(2) ch. 38, sec. 246, 1.
(3) ch. 89, sec. 1 Annot.
(4) ch. 40, sec. 1.
  (a) ch. 40, sec. 1.
  (b) ch. 40, sec. 3.
(5)
  (a) ch. 89, sec. 3.
  (b) ch. 89, sec. 3.
(6)
  (a) ch. 89, sec. 3.
  (b) ch. 89, sec. 3.
(7)
  (a) ch. 40, sec. 1.
  (b)
  (c)
  (d) ch. 40, sec. 1.
  (e)
  (f)
  (g)
  (h)
(8) ch. 38, sec. 75.
(9) ch. 89, sec. 4.
(10) ch. 38, sec. 75.
(11)
  (a) ch. 89, sec. 6.
  (b) ch. 89, sec. 6a.
(12)
  (a) ch. 59, sec. 1.
  (b)
(13)
  (a) ch. 89, sec. 3.
(14)
  (a) ch. 38, sec. 75.
  (b) ch. 89, sec. 1.
  (c) ch. 89, sec. 2.
  (d) ch. 89, sec. 3, 6.
  (e) ch. 89, sec. 19, 20.
  (f)
(15)
  (a) ch. 89, sec. 6, 8.
  (b) ch. 89, sec. 4, 5, 9.
  (c)

Property

(1)

Illinois

(a) ch. 30, sec. 16-18; ch. 41, sec. 1; ch. 52, sec. 4.
(b) ch. 30, sec. 16-18; ch. 68, sec. 9.
(c) ch. 41, sec. 1, 12; ch. 39, sec. 1; ch. 3, sec. 75.
(d) ch. 39, sec. 1; ch. 3, sec. 99.
(e)
(2) ch. 49, sec. 1.
(3)
(a) ch. 52, sec. 4.
(4)
(a) ch. 41, sec. 1, 12; ch. 39, sec. 1; ch. 3, sec. 94.
(*) ch. 41, sec. 1, 12; ch. 39, sec. 1.
(*) ch. 41, sec. 1, 12; ch. 39, sec. 1.
(b) ch. 68, sec. 5, 9.
(c) ch. 68, sec. 9.
(5) ch. 39, sec. 2.
(6) ch. 39, sec. 1.
(7)
(a) ch. 68, sec. 6, 9.
(b) ch. 68, sec. 5, 9.
(c)
(*) ch. 68, sec. 9; ch. 30, sec. 18.
(*) ch. 68, sec. 9, 7.
(*)
(*) ch. 68, sec. 7.
(*)
(*)
(*) ch. 68, sec. 5, 7, 15.

INDIANA

Adoption

(1) 3-105.
(2) 3-103; 3-101 Annot.
(3)

Divorce

(1)
(a) 3-1201 Supp. 1938.
(b) 3-1201 Supp. 1938.
(c) 3-1201 Supp. 1938.
(d) 3-1201 Supp. 1938.
(e) 3-1201 Supp. 1938.
(f) 3-1201 Supp. 1938.
(g) 3-1201 Supp. 1938.
(h) 3-1201 Supp. 1938.
(2) 3-1217; 3-1218; 3-1227; 3-1228.
(3)
(4)
(a)
(5) 3-1230; 3-1231.
(a) 3-1232.
(b) 3-1233.
(6)
(a) 3-1202.
(b) 3-1202.
(c) 3-1202.
(7)
(8) 3-1225 Supp. 1938.
(9)
(a)
(10) 3-1224.
(11) 3-1203.
(12)
(a) 3-1227.
(13) 3-1216; 3-1217; 3-1218; 3-1220.
(14)
(a) 3-1217; 3-1218; 3-1220; 3-1227.

Dower

(1) 6-2353.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 6-2353.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 8-101; 8-102.
(b) 8-110; 8-103.
(c) 8-103.
(2) 8-109; 8-113 Supp. 1938.
(3) 44-202.

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Indiana

(4)
(a) 8-134.
(b) 8-134.
(5) 8-110.

Husband and Wife

(1)
(a) 33-101; 6-2343.
(*) 56-103.
(b) 38-101; 38-102; 6-404.
(2)
(a) 56-107.
(b) 38-110; 38-111; 38-112.
(c) 38-110; 38-111; 38-112.
(d) 38-107.
(3)
(a) 2-205.
(b) 2-205.
(c) 2-216.
(4)
(a) 38-126 Supp. 1938.
(b) 56-107.
(c) 2-205; 38-114.
(d)
(e) 2-205; 38-114.
(f) 38-116.
(g) 38-101; 38-102.
(h) 38-102; 38-103.
(i) 38-103.
(j) 38-110; 38-111; 38-112.
(*) 38-103.
(k) 2-1714; 2-1720.
(5) 7-302.
(a) 7-101; 7-102; 7-103.

Marriage

(1) 10-4208.
(2) 2-508 Supp. 1938; 2-509 Supp. 1938; 33-101.
(3) 44-106 Supp. 1938.
(4) 3-1226.
(a) 3-1201.
(b) 3-1203.
(5)
(a) 44-202.
(b) 44-202.
(6)
(a) 44-101.
(b) 44-101.
(7)
(a) 44-105; 44-104.
(b) 44-106 Supp. 1938.
(c)
(d) 3-1201 Supp. 1938.
(e) 44-103; 44-105.
(f) 44-106 Supp. 1938; 3-1201 Supp. 1938; 44-104.
(g) 44-105; 44-104.
(h) 44-106 Supp. 1938.
(8) 10-4204.
(9) 44-302; 44-105 Annot.
(10) 6-402.
(11)
(a) 44-201; 44-302.
(b) 44-207.
(12)
(a) 33-101; 6-2343.
(b) 56-103.
(13)
(a) 44-202.
(14)
(a) 44-104; 10-4204.
(b) 44-103; 10-4206.
(c) 44-104.
(d) 44-106 Supp. 1938.
(e) 44-209.
(f) 44-104; 10-4222.
(15)
(a) 44-205.
(b) 44-301.
(c)

Property

(1)
(a) 56-107; 38-102; 6-2341; 2-3514; 56-204; 6-2341.
(b) 56-107; 56-103; 6-2341.
(c) 6-2313 to 6-2318; 6-2321; 6-711; 6-1123; 6-2323 to 6-2333; 6-2341 to 6-2348.
(d) 6-1501; 6-1301.
(e)
(2) 6-2349.
(3)
(a) 2-3501 Supp. 1938; 2-3514.
(4)
(a) 6-2323; 6-2324; 6-2334 Supp. 1938; 6-2321; 6-2322; 6-2331; 6-2333; 6-2339; 6-2342.
(*) 6-2324.
(*) 6-2323.
(b) 38-102; 38-113.
(c)
(5) 6-2311.
(6) 6-2306.
(7)
(a) 38-102.
(b)
(c)
(*) 38-102; 56-612.
(*) 38-102; 38-103.
(*) 38-115.

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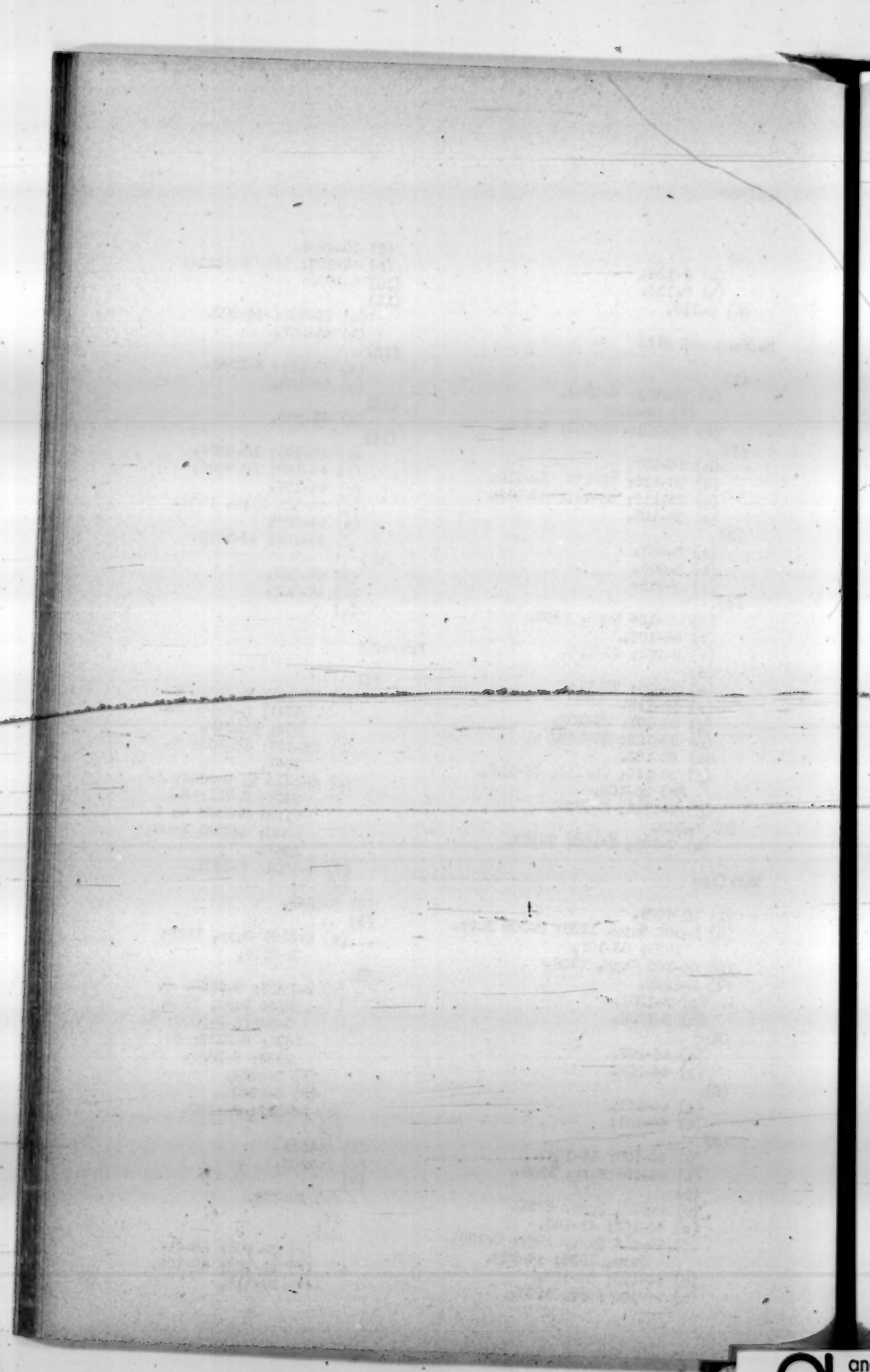

Indiana

(*) 38-103.
(*)
(*)
(*) 38-103.

IOWA

Adoption

(1) 10501-b3.
(2) 10501-b1.
(3) 3661- a83

Divorce

(1)
(a) 10475.
(b) 10475.
(c) 10475.
(d)
(e) 10475.
(f) 10475.
(g)
(h)
(2) 10481; 10482; 10491.
(3)
(4)
(a)
(5)
(a)
(b)
(6)
(a) 10475 Annot. 1934, 1937.
(b) 10475 Annot. 1934, 1937.
(c) 10475 Annot. 1934, 1937.
(7) 10489; 10490.
(8)
(9) 10704; 10477 Annot. 1937.
(a)
(10) 10484.
(11) 10470.
(12) 10448.
(a) 10447.
(13) 10481; 10482; 10491.
(14)
(a) 10481; 10482; 10491.

Dower

(1) 11990.
(2) 11993; 10214.
(3) 11994.
(4)
(a) 10483.
(b) 10399; 10043.
(5) 11996.
(a) 12001; 12005.
(6) 12007.
(7) 10399; 11990; 12012.
(8) 11992.
(9) 11990; 11991.
(10) 12012; 11992.
(11) 11923; 11969.
(12) 12011.
(13)
(a) 11994; 12009.
(*) 11995.
(b)
(c) 12010.
(d)

Guardian and Ward

(1)
(a) 11832; 12577; 12579; 12574.
(b) 12573; 12574.
(c)
(2) 12581.
(3) 10429; 10434.
(4)
(a) 10492.
(b) 10492.
(5) 12573.

Husband and Wife

(1)
(a) 10085; 10094; 11285; Pg. 180, Annot. 1937.
(*) 10447; 10449; 10085; 10094.
(b) 10446; 10447; 10466.
(2)
(a) 10450.
(b) 10465; 10467.
(c) 10465.
(d) 10465.
(3)
(a) 10448.
(b) 10448; 10992.
(c) 10993.
(4)
(a) 11871.
(b) 10450.
(c) 10992.
(d) 10465.
(e) 10992.
(f) 10459.
(g) 10466.
(h) 10446; 10447.
(i) 10446.
(j) 10465.
(*) 10465.
(k) 11260; 11262; 11257; 11258; 13231.
(5) 11855; 11858.
(a) 11846.

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Iowa

Marriage

(1) 12969.
(2) 12513.
(3) 10486; 10487.
(4) 10470.
  (a) 10470.
  (b) 10470.
(5)
  (a) 10429; 10492.
  (b) 10429; 10492.
(6)
  (a) 10428.
  (b) 10428.
(7) 10428; 10486; 10487; 10491; 10383; 11081(10).
  (a) 10486; 10490.
  (b) 10486; 12969.
  (c) 12969; 10486.
  (d) 10486.
  (e) 10445; 12978; 10486.
  (f) 10486; 10445-A1 to 10445-A3.
  (g)
  (h) 10428.
(8) 12975.
(9) 10435; 10437; 10442.
(10) 12976.
(11)
  (a) 10429.
  (b)
(12)
  (a) 10085; 10094; 11285; Pg. 18, Annot. 1934.
  (b) 10447; 10449; 10085; 10094.
(13)
  (a) 10434.
(14)
  (a) 10445.
  (b) 10445.
  (c) 10445-A1; 10445-A2; 10445-A3.
  (d) 10434; 10429.
  (e)
  (f)
(15)
  (a) 10430.
  (b) 10443; 10436.
  (c)

Property

(1)
  (a) 10447; 10446; 10454; 10147; 10054; 10051 to 10052.
  (b) 10447; 10054; 10147.
  (c) 10145; 10146; 10152; 12017; 11918; 11990 to 11994; 12007; 11986; 12006.
  (d) 11969; 11970.
  (e)
(2) 12035 to 12039.
(3)
  (a) 10147.
(4)
  (a) 11990; 11991; 12023; 12026; 10151; 11986.
    (*) 12017.
    (*) 12016.
  (b) 10447.
  (c) 10447.
(5) 12030.
(6) 12016 to 12017.
(7)
  (a) 10446.
  (b) 10447.
  (c)
    (*) 10446; 10466; 10050.
    (*) 10446; 10461.
    (*)
    (*) 10465.
    (*)
    (*)
    (*) 10465.

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Adoption

(1) 38-106.
(2) 38-106.
(3) 38-105.

Divorce

(1)
  (a) 60-1501.
  (b) 60-1501.
  (c) 60-1501.
  (d) 60-1501.
  (e) 60-1501.
  (f) 60-1501.
  (g) 60-1501.
  (h) 60-1501.
(2) 60-1511; 60-1507; 60-1516.
(3)
(4)
  (a) 60-1511.
(5) 60-1516.
  (a) 60-1516; 60-1511.
  (b) 60-1516.
(6)
  (a) 60-1508.
  (b) 60-1508.
  (c) 60-1506.

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(7) 23-124.
(8) 60-1511.
(9) 60-1511; 60-1516.
(a) 60-1511.
(10) 60-1512.
(11) 60-1502.
(12) 60-1511.
(a) 60-1511.
(13) 60-1507; 60-1511; 60-1516; 60-1510.
(14)
(a) 60-1511.

Dower

(1) 22-127.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 22-127.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 38-202; 38-204.
(b) 38-201; 38-204; 38-205.
(c) 38-202; 38-203.
(2) 38-210.
(3) 23-106.
(4)
(a) 38-101.
(b) 38-101.
(5) 38-201.

Husband and Wife

(1)
(a) 52-201; 23-206; 33-106; 67-221; 67-222.
(*) 33-106; 52-207; 23-206; 23-207 Annot.
(b) 23-202; 23-201 Annot.
(2)
(a) 67-205; 67-225; 67-209.
(b)
(c)
(d)
(3)
(a) 60-404.
(b) 23-203; 60-404.
(c) 60-405.
(4)
(a) 22-312.
(b) 67-205; 67-225; 67-209.
(c) 23-203; 60-404.
(d) 23-202.
(e) 60-404; 23-203.
(f)
(g) 23-202.
(h) Art. 15, Sec. 6. Const.; 23-201; 23-204.
(i) 23-204.
(j) 23-202.
(*) 23-201.
(k) 60-2805(3); 60-1420; 21-447.
(5) 22-240; 22-441 Annot.
(a) 22-201.

Marriage

(1) 21-426; 21-427.
(2) 60-3201.
(3) 60-1515.
(4) 60-1501.
(a) 60-1502; 60-1505.
(b) 60-1501.
(5)
(a) 23-106; 38-101.
(b) 23-106; 38-101.
(6)
(a) 23-106.
(b) 23-106.
(7)
(a) 21-901; 21-902; 60-1501.
(b) 21-426; 21-427.
(c) 21-426; 21-427; 60-1501.
(d) 60-1515.
(e) 23-102; 21-906.
(f) 23-120; 60-1501.
(g)
(h) 60-1515.
(8) 21-901 to 21-905.
(9) 23-118; 23-101.
(10) 21-902.
(11)
(a) 23-104; 23-106; 23-107.
(b)
(12)
(a) 52-201; 23-206; 23-207; 67-221; 67-222; 33-106.

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(b) 52-201; 23-206; 23-207; 33-106.
(13)
(a) 23-106.
(14)
(a) 21-901; 21-902.
(b) 23-102; 21-906.
(c) 23-120.
(d) 60-1515.
(e) 23-115.
(f)
(15)
(a) 23-106; 23-114.
(b) 23-101; 23-116.
(c)

Property

(1)
(a) 60-3503; 58-312.
(b) 60-3503; 58-312.
(c) 22-101; 22-102; 22-108; 22-117; 22-119; 22-127; 22-511; 22-512; 22-929.
(d) 22-101; 22-601 Supp. 1937; 22-735 Supp. 1937; 22-130; 22-701.
(e)
(2) 22-1207 to 22-1212.
(3)
(a) 60-3503.
(4)
(a) 22-101; 22-127; 22-102; 22-739 Supp. 1937.
(*) 22-119; 22-127; 22-108.
(*) 22-118; 22-104; 22-127.
(b) 23-201; 23-202; 23-204.
(c) 23-202.
(5) 22-121 to 22-124.
(6) 22-128.
(7)
(a) 23-202.
(b) 23-202; 60-3503; 58-312.
(c)
(*) 23-201; 23-202; 23-204.
(*) 23-201; 23-204.
(*) 23-205.
(*) 23-201; 23-204.
(*)
(*)
(*) 23-201; 23-202.

KENTUCKY

Adoption

(1) 2072.
(2) 2071.
(3) 2072.

Divorce

(1)
(a) 2117.
(b) 2117.
(c) 2117.
(d) 2117.
(e) 2117.
(f) 2117.
(g) 2117.
(h) 2037; 423C.C. Annot.
(2) 2121 to 2124.
(3) 2120; 426C.C.
(4)
(a) 425C.C.
(5) 2121; 427C.C.
(a) 2121.
(b) 2121.
(6)
(a)
(b) 2120 Annot.
(c)
(7)
(8) 2122.
(9) 2117.
(a) 2121.
(10) 2118.
(11) 2120; 423C.C.
(12) 426C.C.
(a)
(13) 2121 to 2124.
(14)
(a) 2122; 425C.C.

Dower

(1) 2132 to 2134.
(2) 334; 336.
(3) 499C.C.
(4)
(a) 2144.
(b) 2136.
(5) 499C.C. Sec. 1-7.
(a) 2139; 490; 495C.C. 2138 Annot.
(6) 2136; 1404.
(7) 2136.
(8) 1707 Annot.
(9) 2132; 2148.
(10) 2138; 1707.
(11) 2138.
(12) 2145; 499 Sec. 2, C.C.
(13)
(a) 499 Sec. 1, C.C.
(*) 499, Sec. 3, C.C.
(b) 2139; 2137.
(c) 2132 Annot.
(d) 2139.

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Guardian and Ward

(1)
(a) 2015; 2021; 2039.
(b) 2016; 2021.
(c) 2016; 2015.
(2) 2032; 2034; 2039.
(3) 2106.
(4)
(a) 2025.
(b) 2025; 2116.
(5) 2016.

Husband and Wife

(1)
(a) 470.
(*) 470; 494.
(b) 2128; 2129; 505; 506.
(2)
(a) 508; 499; 2127 Annot.
(b) 2127; 2130.
(c) 2127; 2130.
(d) 2127; 2130.
(3)
(a) 2128.
(b) 34, Sec. 1, C.C.; 2128.
(c) 34, Sec. 3 C.C.
(4)
(a) 3845.
(b) 3845; 499.
(c) 2128.
(d) 2127; 2128.
(e) 2128; 34, Sec. 1, C.C.
(f) 2130; 2127.
(g) 2128.
(h) 2128.
(i) 2128.
(j) 2127; 2130.
(*) 2127.
(k) 606, Sec. 1, C.C.
(5) 4832.
(a) 2147; 4827.

Marriage

(1) 1214.
(2) 2516; 390.C. Annot.
(3) 2100.
(4) 2117.
(a) 2117.
(b) 2120; 4230.C.
(5)
(a) 2106.
(b) 2106.
(6)
(a) 2100; 2097.
(b) 2100; 2097.
(7)
(a) 2097.
(b) 2100; 2117.
(c) 2100; 2117.
(d) 2117.
(e) 2101; 2096; 2114.
(f) 2097.
(g) 2097.
(h) 2097; 2100.
(8) 1216; 1217.
(9) 2103 Annot.
(10) 1216.
(11)
(a) 2105.
(b) Ch. 120, sess. 1938.
(12)
(a) 470.
(b) 470; 494.
(13)
(a) 2100; 2106; 2097.
(14)
(a) 2097; 1216; 1217.
(b) 2101; 2096; 2114.
(c) 2097.
(d) 2097; 2100.
(e) 2101; 2096.
(f) 2097.
(15)
(a) 2106; 2103.
(b) 2103.
(c) 2107.

Property

(1)
(a) 506; 2129; 1706.
(b) 506; 507; 2129; 1706.
(c) 2132; 1403; 1404, 1707; 1393.
(d) 1403.
(e)
(2) 1606 to 1608; 4399 to 4456.
(3)
(a) 1706.
(4)
(a) 1403; 2132; 1708; 1393.
(*) 2132; 1393.
(*) 1403; 1400; 1393; 1394.
(b) 2127.
(c)
(5) 1397.
(6) 1395.
(7)
(a) 2128; 2129; 505; 506.
(b) 2127; 2128; 2148.
(c)
(*) 2128; 505; 506.
(*) 2128.

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(*)
(*) 2127.
(*)
(*)
(*) 2127.

LOUISIANA

Adoption

(1) 4827 Supp. 1937; Act 428, Sess. 1938.
(2) 2140.C.; Act 428, Sess. 1938.
(3) 4839.8; Act 428, Sess. 1938.

Divorce

(1)
(a) 1380.C.; 1390.C.; 2201.
(b) 1380.C.; 1390.C.; 2201.
(c) 1380.C.; 1390.C.; 2201; Acts 430, Sess. 1938.
(d)
(e) 1380.C.; 1390.C.; 2201.
(f) 1380.C.; 1390.C.; 2201.
(g) 1380.C.
(h)
(2) 1600.C. Supp. 1937; 2209; 2213; 927 Cr. C.; Acts 202, Sess. 1938.
(3)
(4)
(a) 2213; 1490.C.; 2980.P.
(5) 1380.C.; 2204; 2205; 2208; 1420.C. Supp. 1937.
(a) 1480.C.-1500.C.; 2209; 1230.C.
(b) 1390.C.; 1420.C. Supp. 1937. 2209; 2211.
(6)
(a)
(b) 1520.C. Annot.
(c)
(7) 1880.C.
(8) 1590.C. Annot.
(9)
(a)
(10) 1370.C.; 1420.C. Supp. 1937; 800.C.
(11) 1380.C.; 1390.C. Annot.
(12) 1490.C.
(a) 1490.C.; 1500.C.
(13) 1580.C.; 1600.C.
(14)
(a) 1600.C.; 2405C.C.; 2406C.C.

Dower

(1) 871-901.
(2)
(3)
(4)
(a)
(b)
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(a)
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(c)
(d)

Guardian and Ward

(1)
(a) 3070.C.; 3080.C.; 2630.C.; 2700.C. to 2720.C.; 299 C.C.; 9440.P.; 945 C.P.; 4854.2 Supp. 1937.
(b) 2190.C.; 2500.C.; 2530.C.; 2560.C.
(c) 2570.C. to 2620.C.; 9560.P.
(2) 3500.C.
(3) 970.C.
(4)
(a) 3790.C.-3840.C.
(b) 3700.C.; 3790.C.; 3810.C.; 3820.C.; 2172.
(5) 2160.C.; 2560.P.

Husband and Wife

(1)
(a) 23250.C. to 2336 C.C.; 2398C.C.; 17460.C.
(*) 2328C.C.
(b) 2169; 2175; 122 C.C.; 1250.C.; 1320.C.; 17860.C.
(2)
(a)
(b) 24030.C.
(c) 24030.C.
(d) 24030.C.; 2409C.C.
(3)

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(a) 1340.C.; 1050.P.; 107 C.P.
(b) 2170; 1060.P.; 1210.C.; 1240.C.; 1320.C.
(c) 1180.P.; 2170.
(4)
(a) 2167; 1664C.C.
(b) 1300.C.; 3001C.C.
(c) 2170; 1060.P.; 1210.C. 1240.C.
(d)
(e) 2170; 1180.P.
(f) 2403C.C.; 1200.C.; 2435 C.C.; 2389C.C.; 2395 C.C.; 2398C.C.; 2409 C.C.; 928 Cr. C.
(g) 2169; 2175; 1220.C.; 1786 C.C.; 1320.C.; 1250.C.
(h) 2334C.C.
(i) 2334C.C.; 1210.C.; 1310.C.; 2169.
(j) 2403C.C.; 3182C.C.; 1260.C.
(*) 2403C.C.
(k) 4820.P.; 928 Cr. C.; 1991.
(5) 1705C.C.
(a) 1350.C.; 1480C.C.

Marriage

(1) 1144 Cr. C.
(2) 1763C.C.
(3) 1360.C.; 1170.C.; 1180.C.; Acts 426, Sess. 1938.
(4) 1360.C.; 890.C.; 2210.
(a) 2201.
(b) 2211; 1390.C.
(5)
(a) 340.C.; 370.C. Supp. 1937; 980.C.
(b) 340.C.; 370.C. Supp. 1937; 980.C.
(6)
(a) 920.C. Supp. 1937.
(b) 920.C. Supp. 1937.
(7)
(a) 1160.C.; 930.C.
(b) 1100.C.; 1110.C.; 910.C.
(c) 1100.C.; 1110.C.; 910.C.
(d)
(e) 950.C.; 1136 Cr. C.; Acts 426, Sess. 1938.
(f)
(g) 940.C.
(h) 1120.C.
(8) 1126 Cr. C.; 1127 Cr. C.
(9) 2193-2197; 880.C.
(10) 1126 Cr. C.; 2201; 800.C.
(11)
(a) 990.C.; 1000.C.
(b) 990.C.; 2180-2184.
(12)
(a) 2325C.C.-2336C.C.; 2398C.C.
(b) 2328C.C.
(13)
(a) 970.C.; 920.C.; Supp. 1937.
(14)
(a) 1160.C.; 930.C.
(b) 940.C.; 950.C.; 1136 Cr. C.; 2190.
(c)
(d) 970.C.; 1120.C.; 92 C.C. Supp. 1937.
(e) 2186; 2187; Act 426, Sess. 1938. 1138 Cr. C.
(f) 940.C.; 2185.
(15)
(a) 1050.C.; 1010.C.
(b) 1020.C.-1040.C.
(c) 1050.C.

Property

(1)
(a) 2334C.C.; 2399C.C.; 2400C.C.; 2402C.C.; 2404C.C.; 2405C.C.; 2410C.C.
(b) 2402C.C.; 2404C.C.
(c) 9240.C.; 916C.C.; 917C.C.; 2374C.C.; Acts 408, Sess. 1938; 64C.C.; 2422C.C.
(d) 1013C.C.; 1010C.C.; 1056C.C.; 1415C.C.; C.C.-1421C.C.
(e) 2402C.C.; 2334 2327C.C.; 2404 C.C.; 1200.C. Annot.
(2) 929C.C.; 425C.C.
(3)
(a) 3806; 3809.
(4)
(a) 9240.C.; Act 408. Sess. 1938; 916 C.C.; 917C.C.
(*) 9240.C.; Act 408 Sess. 1938.
(*) 9240.C.; 902C.C.; 903C.C.; Act 408, Sess. 1938.
(b) 2334C.C.
(c)
(5) 903C.C.; 911C.C.; 202 C.C.; 203C.C.; 210 C.C.; 212C.C.; 240 C.C.
(6) 913C.C.; 914C.C.

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(7)
(a) 2167; 2169; 2171; 2175; 1220.C.; 6541.
(b) 3319C.C.
(c)
(*) 2169; 2171.
(*) 2334C.C.
(*) 2402C.C.
(*) 2435C.C.; 2398C.C.
(*) 2334C.C.
(*) 2175.
(*) 2398C.C.; 2435C.C.

MAINE

Adoption

(1) ch. 80, sec. 36.
(2) ch. 80, sec. 35.
(3) ch. 80, sec. 38.

Divorce

(1)
(a) ch. 73, sec. 2.
(b) ch. 75, sec. 2.
(c) ch. 73, sec. 2.
(d) ch. 73, sec. 2.
(e)
(f) ch. 73, sec. 2.
(g) ch. 73, sec. 2.
(h)
(2) ch. 7, Pg. 46, Sess. 1937. ch. 155, Pg. 172, Sess. 1937. ch. 73, sec. 9.
(3)
(4)
(a) ch. 74, sec. 6; ch. 73, sec. 3.
(5)
(a)
(b)
(6)
(a) ch. 73, sec. 2.
(b)
(c) ch. 73, sec. 2.
(7) ch. 73, sec. 13, 16, 17.
(8) ch. 38, Sess. 1935.
(9) ch. 74, sec. 10-16.
(a) ch. 74, sec. 16.
(10)
(11) ch. 73, sec. 2.
(12) ch. 73, sec. 3, 9.
(a) ch. 73, sec. 9, 10.
(13) ch. 38, Sess. 1935; ch. 155, Pg. 172, Sess. 1937. ch. 73, sec. 9; ch. 38, Sess. 1935.
(14)
(a) ch. 73, sec. 9; ch. 155, Pg. 172, Sess. 1937.

Dower

(1) ch. 89, sec. 8.
(2)
(3)
(4)
(a)
(b)
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(a)
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(8)
(9) ch. 89, sec. 8.
(10)
(11)
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Guardian and Ward

(1)
(a) ch. 80, sec. 1, 2.
(b) ch. 80, sec. 1-3; ch. 72, sec. 43, 45.
(c) ch. 80, sec. 2.
(2) ch. 80, sec. 15, 16, 17.
(3) ch. 72, sec. 5.
(4)
(a) ch. 80, sec. 23.
(b) ch. 80, sec. 23.
(5) ch. 80, sec. 3; ch. 72, sec. 43.

Husband and Wife

(1)
(a) ch. 74, sec. 8; ch. 89, sec. 10, 11, 12; ch. 123, sec. 1.
(*) ch. 74, sec. 8; ch. 123, sec. 1.
(b) ch. 74, sec. 1, 12.
(2)
(a) ch. 74, sec. 2.
(b) ch. 74, sec. 4.
(c) ch. 74, sec. 4.
(d) ch. 74, sec. 4.
(3)
(a) ch. 74, sec. 5, 6.

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Maine

(b) ch. 74, sec. 5.
(c) ch. 74, sec. 5.
(4)
(a) ch. 76, sec. 18, 27.
(b)
(c) ch. 74, sec. 5.
(d) ch. 124, Pg. 144, Sess. 1937; ch. 74, sec. 2.
(e) ch. 74, sec. 5, 6.
(f) ch. 124, Pg. 144, Sess. 1937.
(g) ch. 74, sec. 1.
(h) ch. 74, sec. 1.
(i) ch. 74, sec. 1, 3.
(j) ch. 74, sec. 4.
(*) ch. 74, sec. 1.
(k) ch. 96, sec. 114.
(5) ch. 88, sec. 8.
(a) ch. 88, sec. 1.

Marriage

(1) ch. 129, sec. 17.
(2)
(3) ch. 73, sec. 1, 15; ch. 72, sec. 1-3; ch. 38, Sess. 1935.
(4) ch. 73, sec. 2.
(a) ch. 73, sec. 2.
(b) ch. 73, sec. 2.
(5)
(a) ch. 12, Sess. 1933; ch. 24, Sess. 1933.
(b) ch. 12, Sess. 1933; ch. 24, Sess. 1933.
(6)
(a) ch. 12, Sess. 1933; ch. 24, Sess. 1933.
(b) ch. 12, Sess. 1933; ch. 24, Sess. 1933.
(7)
(a) ch. 72, sec. 3; ch. 73, sec. 1, 15.
(b) ch. 129, sec. 17; ch. 73, sec. 1, 15.
(c) ch. 129, sec. 17; ch. 73, sec. 1, 15.
(d) ch. 73, sec. 2, 15.
(e) ch. 72, sec. 1; ch. 73, sec. 1, 15.
(f) ch. 72, sec. 2; ch. 73, sec. 1, 15.
(g)
(h) ch. 12, Sess. 1933; ch. 73, sec. 15.
(8) ch. 135, sec. 4.
(9)
(10) ch. 135, sec. 4.
(11)
(a) ch. 72, sec. 4, 5.
(b) ch. 1, sec. 37-39, Sess. 1933.
(12)
(a) ch. 74, sec. 8; ch. 89, sec. 10, 11, 12; ch. 123, sec. 1.
(b) ch. 74, sec. 8; ch. 89, sec. 10, 11, 12; ch. 123, sec. 1.
(13)
(a) ch. 12, Sess. 1933; ch. 24, Sess. 1933.
(14)
(a) ch. 72, sec. 3; ch. 73, sec. 1, 15; ch. 135, sec. 4.
(b) ch. 72, sec. 1; ch. 73, sec. 1, 15; ch. 135, sec. 2.
(c) ch. 72, sec. 2; ch. 73, sec. 1, 15.
(d) ch. 12, Sess. 1933; ch. 73, sec. 15.
(e) ch. 24, Sess. 1935; ch. 72, sec. 9.
(f)
(15)
(a) ch. 72, sec. 4.
(b) ch. 24, Sess. 1933; ch. 72, sec. 10, 11.
(c)

Property

(1)
(a) ch. 89, sec. 19; ch. 87, sec. 20.
(b)
(c) ch. 89, sec. 1; ch. 74, sec. 8; ch. 78, sec. 14-19; ch. 89, sec. 8-19.
(d) ch. 89, sec. 1; ch. 89, sec. 20.
(e)
(2) ch. 89, sec. 1.
(3)
(a) ch. 89, sec. 19.
(4)
(a) ch. 89, sec. 1; ch. 89, sec. 8-19; ch. 78, sec. 19; ch. 74, sec. 8.
(*) ch. 89, sec. 1.
(*) ch. 89, sec. 1.
(b) ch. 74, sec. 1.
(c) ch. 89, sec. 19; ch. 74, sec. 1.
(5) ch. 89, sec. 3.
(6) ch. 89, sec. 2.
(7)

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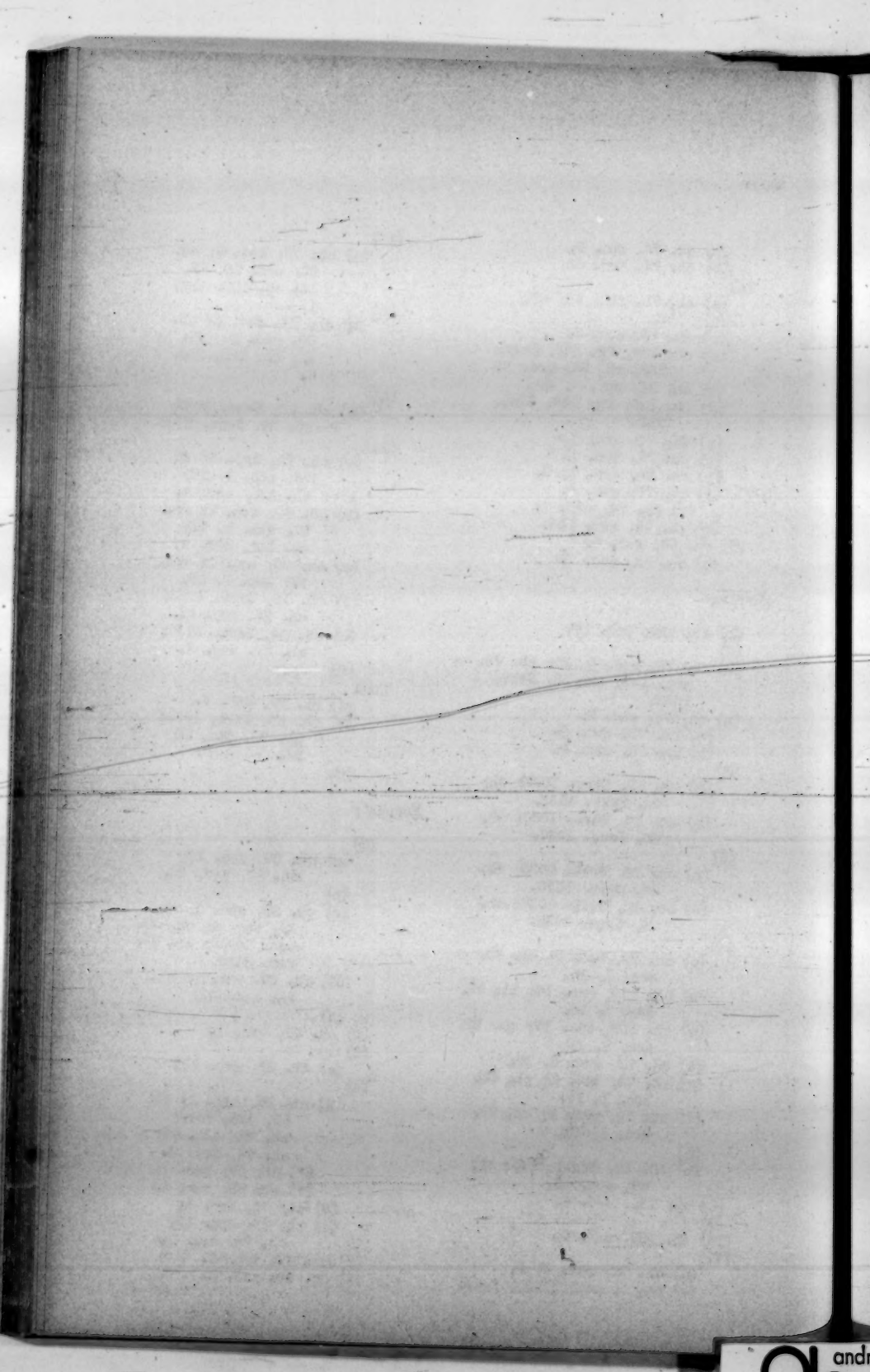

Maine

(a) ch. 74, sec. 1; ch. 74, sec. 12.
(b) ch. 74, sec. 2.
(c)
(*) ch. 74, sec. 1-3.
(*) ch. 74, sec. 1.
(*)
(*) ch. 74, sec. 3.
(*)
(*)
(*) ch. 74, sec. 1, 2.

MARYLAND

Adoption

(1) ch. 172, Sess. 1937.
(2) Art. 16, sec. 75.
(3) Art. 16, sec. 76.

Divorce

(1)
(a) ch. 396, Sess. 1937.
(b) Art. 16, sec. 39.
(c) ch. 396, Sess. 1937; Art. 16, sec. 39.
(d) ch. 396, Sess. 1937.
(e)
(f) Art. 16, sec. 39 Annot.
(g) Art. 16, sec. 38 Annot.
(h)
(2) Art. 16, sec. 39; Art. 16, sec. 16A, Supp. 1935.
(3) Art. 16, sec. 39.
(4)
(a)
(5) Art. 16, sec. 41.
(a) Art. 16, sec. 39.
(b) Art. 16, sec. 41.
(6)
(a)
(b)
(c) Art. 16, sec. 39 Annot.
(7) Art. 16, sec. 39.
(8)
(9) Art. 16, sec. 41.
(a) Art. 16, Sec. 41.
(10) Art. 16, sec. 38 Annot.
(11) Art. 16, sec. 40.
(12) Art. 16, sec. 39.
(a) Art. 16, sec. 39.
(13) Art. 16, sec. 39; Art. 16, sec. 16A, Supp. 1935.
(14)
(a) Art. 16, sec. 39.

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(1) Art. 46, sec. 4; Art. 45, sec. 6.
(2) Art. 3, sec. 1.
(3) Art. 16, sec. 43.
(4)
(a) Art. 27, sec. 23.
(b) Art. 93, sec. 310, 315.
(5) Art. 16, sec. 47; Art. 46, sec. 37.
(a) Art. 93, sec. 324; Art. 16, sec. 45; Art. 46, sec. 38.
(6) Art. 93, sec. 312-315.
(7) Art. 93, sec. 311; Art. 46, sec. 4.
(8)
(9) Art. 93, sec. 326; Art. 45, sec. 7.
(10)
(11) Art. 93, sec. 317.
(12) Art. 93, sec. 311 Annot.
(13)
(a) Art. 93, sec. 311.
(*) Art. 46, sec. 10.
(b)
(c) Art. 93, sec. 311; Art. 46, sec. 4.
(d)

Guardian and Ward

(1)
(a) Art. 72A, sec. 1, Supp. 1935; Art. 93, sec. 149-152; Art. 16, sec. 80.
(b) Art. 72A, sec. 1, 4 Supp. 1935; Art. 93, sec. 153.
(c) Art. 72A, sec. 4, Supp. 1935.
(2) Art. 93, sec. 170, 184, 185.
(3) Art. 62, sec. 7.
(4)
(a) Art. 93, sec. 199.
(b) Art. 93, sec. 157, 158, 199.
(5) Art. 72A, sec. 1, Supp. 1935; Art. 93, sec. 186.

Husband and Wife

(1)
(a) Art. 93, sec. 315; Art. 16, sec. 39A Supp. 1935; Art. 50, sec. 13.

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Maryland

(*) Art. 50, sec. 13; Art. 21, sec. 1.
(b) Art. 45, sec. 5.
(2)
(a)
(b) Art. 45, sec. 5, 14.
(c) Art. 45, sec. 14, 15.
(d) Art. 45, sec. 5.
(3)
(a) Art. 45, sec. 20.
(b) Art. 45, sec. 5, 20.
(c) Art. 45, sec. 15.
(4)
(a) Art. 93, sec. 18, 59.
(b) Art. 45, sec. 21.
(c) Art. 45, sec. 5.
(d) Art. 45, sec. 2.
(e) Art. 45, sec. 5, 14, 15, 20.
(f) Art. 45, sec. 21; Art. 16, sec. 49-51; Art. 27, sec. 87, Supp. 1935.
(g) Art. 45, sec. 4, 5.
(h) Art. 45, sec. 4, 5.
(i) Art. 45, sec. 5.
(j) Art. 45, sec. 5, 14, 15.
(*) Art. 45, sec. 1, Supp. 1935.
(k) Art. 35, sec. 1, 4.
(5) Art. 93, sec. 138, 333.
(a) Art. 93, sec. 345; Art. 93, sec. 331.

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(1) Art. 27, sec. 1.
(2) Art. 52, sec. 7; Art. 83, sec. 8; Art. 35, sec. 4; Art. 75, sec. 28(18).
(3) ch. 396, Sess. 1937; Art. 62, sec. 14.
(4) Art. 16, sec. 37, Supp. 1935.
(a) Art. 16, sec. 37, Supp. 1935; ch. 396, Sess. 1937.
(b) Art. 16, sec. 40.
(5)
(a) Art. 62, sec. 7.
(b) Art. 62, sec. 7.
(6)
(a) Art. 27, sec. 363.
(b) Art. 27, sec. 363.
(7)
(a) Art. 62, sec. 14.
(b)
(c)
(d) Art. 16, sec. 38.
(e) Art. 62, sec. 1, 2, 3.
(f)
(g) Art. 27, sec. 365, Supp. 1935; Art. 27, sec. 358; Art. 62, sec. 15.
(h) Art. 27, sec. 363.
(8) ch. 142, Sess. 1937.
(9) Art. 62, sec. 4 Annot.
(10) ch. 142, Sess. 1937.
(11)
(a) Art. 62, sec. 11; Art. 27, sec. 360, 362; Art. 62, sec. 4, Supp. 1935.
(b)
(12)
(a) Art. 93, sec. 315; Art. 50, sec. 13.
(b) Art. 50, sec. 13; Art. 21, sec. 1.
(13)
(a) Art. 62, sec. 7; Art. 27, sec. 363.
(14)
(a) Art. 62, sec. 14; ch. 142, Sess. 1937.
(b) Art. 62, sec. 1, 2; Art. 27, sec. 354, 355.
(c)
(d) Art. 27, sec. 363.
(e) Art. 27, sec. 361.
(f) Art. 27, sec. 365, Supp. 1935; Art. 27, sec. 358.
(15)
(a) Art. 62, sec. 5; ch. 91, Sess. 1937.
(b) Art. 62, sec. 4, Supp. 1935.
(c) Art. 62, sec. 4, Supp. 1935.

Property

(1)
(a) Art. 46, sec. 3; Art. 45, sec. 13.
(b) Art. 46, sec. 3; Art. 21, sec. 1, 15, 57.
(c) Art. 45, sec. 6, 7, 12; Art. 46, sec. 2, 3, 4, 32, 37, 38; Art. 93, sec. 127, Supp. 1935; Art. 93, sec. 310, 311, 312, 315, 317, 318.
(d) Art. 93, sec. 8.
(e) Art. 45, sec. 2.
(2) Art. 54, sec. 25; Art. 93, sec. 140.
(3)
(a) Art. 50, sec. 13.
(4)
(a) Art. 45, sec. 7, 12; Art. 46, sec. 2, 3, 32-36; Art. 93, sec. 125, 126, 311, 326; Art. 93, sec. 127, Supp. 1935.

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Maryland

(*) Art. 93, sec. 127, Supp. 1935.
(*) Art. 93, sec. 127, Supp. 1935.
(b) Art. 45, sec. 1, Supp. 1935; Art. 45, sec. 3.
(c) Art. 45, sec. 2.
(5) Art. 46, sec. 7.
(6) Art. 93, sec. 135.
(7)
(a) Art. 45, sec. 4.
(b) Art. 45, sec. 2.
(c)
(*) Art. 45, sec. 4.
(*) Art. 45, sec. 4.
(*) Art. 45, sec. 5.
(*) Art. 45, sec. 1, Supp. 1935.
(*)
(*)
(*) Art. 45, sec. 1, Supp. 1935.

MASSACHUSETTS

Adoption

(1) ch. 210, sec. 2, 3.
(2) ch. 210, sec. 1.
(3) ch. 210, sec. 6.

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(1)
(a) ch. 208, sec. 1.
(b) ch. 208, sec. 1.
(c) ch. 208, sec. 1.
(d) ch. 208, sec. 1.
(e) ch. 76, Sess. 1937.
(f) ch. 208, sec. 1.
(g) ch. 208, sec. 1.
(h) ch. 208, sec. 15; ch. 207, sec. 5.
(2) ch. 208, sec. 34-36; ch. 36, Sess. 1933; ch. 200, sec. 10.
(3) ch. 181, Sess. 1934.
(4)
(a) ch. 208, sec. 12-14.
(5)
(a)
(b)
(6)
(a) ch. 208, sec. 42, 44, 45.
(b)
(c)
(7) ch. 208, sec. 25.
(8) ch. 208, sec. 23.
(9) ch. 209, sec. 32, 32A; ch. 221, Sess. 1936.
(a) ch. 209, sec. 32.
(10) ch. 208, sec. 24.
(11) ch. 208, sec. 4, 5.
(12) ch. 208, sec. 26.
(a) ch. 208, sec. 26.
(13) ch. 208, sec. 28, 34-37.
(14)
(a) ch. 208, sec. 27, 28, 34-36; ch. 188, sec. 3.

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(1) ch. 189, sec. 1; ch. 91, Sess. 1936.
(2) ch. 184, sec. 1.
(3) ch. 189, sec. 1, 10.
(4)
(a) ch. 208, sec. 27.
(b) ch. 189, sec. 5-8.
(5) ch. 189, sec. 11.
(a) ch. 189, sec. 11; ch. 238, sec. 11.
(6) ch. 191, sec. 10, 30.
(7) ch. 189, sec. 9, 10.
(8) ch. 188, sec. 1-4.
(9) ch. 189, sec. 1; ch. 91, Sess. 1936.
(10) ch. 196, sec. 1; ch. 36, Sess. 1933.
(11) ch. 196, sec. 2; ch. 36, Sess. 1933.
(12) ch. 209, sec. 18-24; ch. 201, sec. 26.
(13)
(a) ch. 189, sec. 10.
(*)
(b) ch. 189, sec. 15.
(c) ch. 189, sec. 1, 9.
(d) ch. 238, sec. 4.

Guardian and Ward

(1)
(a) ch. 201, sec. 1, 2.
(b) ch. 201, sec. 5.
(c) ch. 201, sec. 3.
(2) ch. 201, sec. 38.
(3) ch. 207, sec. 7.
(4)
(a) ch. 201, sec. 5.
(b) ch. 201, sec. 5.
(5) ch. 201, sec. 5.

Husband and Wife

(1)
(a) ch. 209, sec. 13, 25-27.
(*) ch. 209, sec. 13, 25-27; ch. 259, sec. 1.
(b) ch. 209, sec. 2.

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Massachusetts

(2)
(a)
(b) ch. 209, sec. 8, 10.
(c) ch. 209, sec. 8, 10.
(d) ch. 209, sec. 9, 10.
(3)
(a) ch. 209, sec. 6.
(b) ch. 209, sec. 6.
(c) ch. 231, sec. 3.
(4)
(a) ch. 193, sec. 1; ch. 209, sec. 5.
(b)
(c) ch. 209, sec. 6.
(d) ch. 184, sec. 7; ch. 189, sec. 1; ch. 185, sec. 26, 61, 77, 90, 92.
(e) ch. 209, sec. 6.
(f) ch. 209, sec. 7.
(g) ch. 209, sec. 2.
(h) ch. 209, sec. 1.
(i) ch. 209, sec. 9, 10.
(j) ch. 209, sec. 8, 9, 10.
(*) ch. 209, sec. 7, 10.
(k) ch. 273, sec. 7; ch. 233, sec. 20(2).
(5) ch. 191, sec. 9.
(a) ch. 191, sec. 1.

Marriage

(1) ch. 272, sec. 1.
(2) ch. 231, sec. 147(8).
(3) ch. 207, sec. 14.
(4) ch. 208, sec. 1-3; ch. 221, Sess. 1936.
(a) ch. 208, sec. 1-4.
(b) ch. 208, sec. 5.
(5)
(a) ch. 207, sec. 33A.
(b) ch. 207, sec. 33A.
(6)
(a) ch. 207, sec. 9.
(b) ch. 207, sec. 9.
(7)
(a) ch. 207, sec. 4, 6, 8.
(b)
(c)
(d) ch. 208, sec. 1.
(e) ch. 207, sec. 1, 2, 3.
(f) ch. 207, sec. 5.
(g)
(h) ch. 207, sec. 7, 9, 14, 25.
(8) ch. 272, sec. 15.
(9) ch. 207, sec. 47.
(10) ch. 272, sec. 15.
(11)
(a) ch. 207, sec. 19, 28; ch. 127, Sess. 1933; ch. 11, Sess. 1937.
(b)
(12)
(a) ch. 209, sec. 25-27.
(b) ch. 209, sec. 26; ch. 259, sec. 1.
(13)
(a) ch. 207, sec. 7, 9, 25, 33A.
(14)
(a) ch. 207, sec. 4, 6, 8.
(b) ch. 207, sec. 1, 2, 3.
(c) ch. 207, sec. 5.
(d) ch. 207, sec. 7, 9, 25.
(e) ch. 207, sec. 10-12.
(f)
(15)
(a) ch. 127, Sess. 1933; ch. 207, sec. 22.
(b) ch. 207, sec. 38, 42.
(c)

Property

(1)
(a) ch. 189, sec. 1A, 5; ch. 188, sec. 7.
(b) ch. 183, sec. 29-31; ch. 209, sec. 3.
(c) ch. 189, sec. 1, 12, 13; ch. 190, sec. 1, 3; ch. 188, sec. 4, 6, 7, 8; ch. 191, sec. 15, 17.
(d) ch. 190, sec. 1, 2; ch. 129, Sess. 1933; ch. 221, sec. 3, Sess. 1933.
(e) ch. 190, sec. 1.
(2) ch. 428, Sess. 1936; ch. 190, sec. 3.
(3)
(a) ch. 188, sec. 7.
(4)
(a) ch. 189, sec. 1; ch. 190, sec. 1, 2, 3; ch. 191, sec. 15, 17.
(*) ch. 190, sec. 1, 2, 3.
(*) ch. 190, sec. 1, 2, 3.
(b) ch. 209, sec. 1.
(c) ch. 189, sec. 5.
(5) ch. 190, sec. 6.
(6) ch. 190, sec. 4.
(7)
(a) ch. 209, sec. 1.

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Massachusetts

(b) ch. 189, sec. 1, 1A.
(c)
(*) ch. 209, sec. 1, 5.
(*) ch. 209, sec. 1.
(*)
(*) ch. 209, sec. 4, 7.
(*)
(*)
(*) ch. 209, sec. 7.

MICHIGAN

Adoption

(1) 15952.
(2) 15953.
(3) 15952.

Divorce

(1)
(a) 12728(1); 12760.
(b) 12729; 12730.
(c) 12728(4).
(d) 12728(2).
(e) 12728(3); 12727.
(f) 12728(5).
(g) 12729; 12730.
(h) 12754; 12695; 12755; 12723.
(2) 12745; 12773; 12779; 12794.
(3) 12762.
(4)
(a) 12747; 12748.
(5) 12729; 12736; 12738; 12779.
(a) 12741-12743; 12773.
(b) 12730 Annot.
(6)
(a) 12732; 12760.
(b) 12760.
(c) 12732.
(7) 12749; 12750.
(8) 12787.
(9) 12735; 12761.
(a)
(10) 12765.
(11) 12731 Supp. 1935.
(12) 12744.
(a) 12741.
(13) 12738; 12739; 12779 Supp. 1935; 17115-165 Supp. 1935.
(14)
(a) 12747; 12748; 12766-12768.

Dower

(1) 13072.
(2) 13088.
(3) 15755-15758.
(4)
(a) 12746.
(b) 13080; 13100.
(5) 15756.
(a) 15758.
(6) 13085 Supp. 1935.
(7) 13085 Supp. 1935; 13081.
(8) 15845.
(9) 13451.
(10) 13090.
(11) 13090.
(12) 14413-14418.
(13)
(a) 13440 Supp. 1935; 13084-13086.
(*) 13440 Supp. 1935; 13084-13086.
(b) 13087.
(c) 13086; 13073; 13440 Supp. 1935.
(d) 13091-13094; 14938.

Guardian and Ward

(1)
(a) 15763; 15765.
(b) 15766; 15768.
(c) 15772.
(2) 15771; 15781; 15784.
(3) 12707.
(4)
(a) 15788.
(b) 15788.
(5) 15766.

Husband and Wife

(1)
(a) 13417; 13081-13084; 13060.
(*) 13331; 13337; 13338.
(b) 13057; 13059; 13061.
(2)
(a)
(b) 13059; 14015.
(c)
(d) 13059.
(3)
(a) 13059.
(b) 14013; 14014.
(c) 14015; 14018.

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Michigan

(4)
(a) 15586; 15610-1 sec. 1, Supp. 1935.
(b)
(c) 14013; 14014.
(d) 13063-13065; 13071; 13384; 15080.
(e) 14013; 14014.
(f) 8217.
(g) 13057; 13059; 13061.
(h) 13057; 13002; 13032; 13051.
(i) 13061.
(j) 13059.
(*) 13057.
(k) 17115-166 Supp. 1935; 14221; 12763.
(5)
(a) 13478.

Marriage

(1) 17115-11; 17115-12; 17115-13 Supp. 1935.
(2) 14497-1 to 14497-3 Sess. 1, 2, 3, 8, 9, 11, Supp. 1935.
(3) 12725; 12723; 12724; 12734.
(4) 12728; 12734.
(a) 12728; 12733.
(b) 12731 Supp. 1935.
(5)
(a) 12707.
(b) 12690.
(6)
(a) 12690; 12704.
(b) 12690.
(7)
(a) 12723; 12694.
(b) 12724; 12756.
(c) 12724; 12756.
(d) 12758.
(e) 12692; 12693; 17115-333, Supp. 1935.
(f) 12754; 12723; 12695.
(g) 12695.
(h) 12724; 12753.
(8) 17115-439 to 17115-440 Supp. 1935.
(9) 12704.
(10) 17115-439 Supp. 1935.
(11)
(a) 12705.
(b) 12704-1 to 12704-4 Supp. 1937; 12695.
(12)
(a) 13417; 13081-13084; 13060.
(b) 13331; 13337; 13338.
(13)
(a) 12707.
(14)
(a) 12723.
(b) 12723; 17115-333 Supp. 1935.
(c) 12723.
(d) 12724; 12753.
(e)
(f) 12695.
(15)
(a) 12697.
(b) 12698; 12702; 12696 Supp. 1937.
(c) 12698; 12707.

Property

(1)
(a) 13062-13068; 13071; 14609.
(b) 13384; 15079; 15080; 13411.
(c) 13440 Supp. 1935.
(d) 13440 Supp. 1935.
(e) 13063-13068; 13071; 14013.
(2) 13455; 13456; 13440 Supp. 1935.
(3)
(a) 14609.
(4)
(a) 13440 Supp. 1935; 13085 Supp. 1935; 13451.
(*) 13440 Supp. 1935; 13085 Supp. 1935, 13451.
(*) 13440 Supp. 1935; 13085 Supp. 1935, 13451.
(b) 13057.
(c) 13278; 13062 to 13071; 14013.
(5) 13442.
(6) 13444.
(7)
(a) 13057.
(b) 13278; 13062 to 13071; 14013.
(c)
(*) 13057.
(*) 13057; 13061.
(*)
(*) 13057; 13061.
(*) 13061.
(*)
(*) 13057.

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MINNESOTA

Adoption

(1) 8626.
(2) 8624.
(3) 8630.

Divorce

(1)
(a) 8585 Supp. 1936.
(b) 8585 Supp. 1936.
(c) 8585 Supp. 1936.
(d) 8585 Supp. 1936.
(e) 8585 Supp. 1936.
(f) 8585 Supp. 1936.
(g)
(h) 8585 Supp. 1936.
(2) 8601-8604; ch. 27, sec. 2, Sess. 1937.
(3) 8615.
(4)
(a) 8600; 8602; 8604.
(5) 8608.
(a) 8612; 8613.
(b) 8608 Annot.
(6)
(a) 8587.
(b) 8587.
(c) 8587.
(7) 8579.
(8) 8607.
(9) 8588 Supp. 1936.
(a)
(10) 8564 Sess. 1937.
(11) 8586.
(12) 8600.
(a) 8600.
(13) 8602; 10135 Supp. 1936; 8595-8597.
(14)
(a) 8600-8602.

Dower

(1) 8622-1; 8622-2.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 8622-1.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 8992-129 Supp. 1936; 8992-134 Supp. 1936.
(b) 8933; 8919.
(c) 8919.
(2) 8992-135 Supp. 1936.
(3) 8569 Supp. 1936.
(4)
(a) 8992-142 Supp. 1936.
(b) 8992-142 Supp. 1936.
(5) 8933.

Husband and Wife

(1)
(a) 8456; 8459.
(*) 8456; 8623.
(b) 8618.
(2)
(a) 8621.
(b) 8620.
(c) 8620.
(d) 8620.
(3)
(a) 9168.
(b) 9168; 8616.
(c) 9173.
(4)
(a) 8992-68 Supp. 1936.
(b) 8621.
(c) 9168.
(d) 8621.
(e) 9168.
(f) 8620; 8621.
(g) 8618.
(h) 8617.
(i) 8617.
(j) 8620.
(*) 8617.
(k) 9814.
(5) 8992-40 Supp. 1936.
(a) 8992-34 Supp. 1936.

Marriage

(1) 10127; 10128; 10131.
(2) 9191.
(3) 8581; 8582.
(4) 8588 Supp. 1936.
(a) 8588 Supp. 1936.
(b) 8586.
(5)
(a) 8992-185 Supp. 1936.
(b) 8992-185 Supp. 1936.
(6)

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Minnesota

(a) 8563.
(b) 8563.
(7)
(a) ch. 407, sec. 1, 2, Sess. 1937; 8582.
(b) 8581; 10127.
(c) 8581; 10127.
(d) 8585 Supp. 1936.
(e) ch. 407, sec. 1, 2. Sess. 1937.
(f) 8583; ch. 407, sec. 1, Sess. 1937.
(g)
(h) 8581; 8583; ch. 407, sec. 1, 2, Sess. 1937.
(8) 10180.
(9) 9899.
(10) ch. 407, sec. 1, 2, Sess. 1937.
(11)
(a) 8568; 8569 Supp. 1936.
(b)
(12)
(a) 8456; 8459.
(b) 8456; 8623.
(13)
(a) 8563; 8569 Supp. 1936; ch. 407, sec. 1, 2, Sess. 1937.
(14)
(a) ch. 407, sec. 1, 2, Sess. 1937.
(b) ch. 407, sec. 1, 2, Sess. 1937.
(c) ch. 407, sec. 1, 2, Sess. 1937.
(d) ch. 407, sec. 1, 2, Sess. 1937.
(e)
(f)
(15)
(a) 8569 Supp. 1936; 8570.
(b) 8570.
(c) 8570.

Property

(1)
(a) 6972; 8196; 8199; 8199-1.
(b) 6972; 8199.
(c) 8992-27 to 8992-29 Supp. 1936; 8992-47 Supp. 1937. 8992-94 Supp. 1936.
(d) 8992-29 Supp. 1936; 8992-146 Supp. 1936.
(e) 8196.
(2) 8992-29(6) Supp. 1936.
(3)
(a) 8340.
(4)
(a) 8992-27 to 8992-29 Supp. 1936; 8992-47 Supp. 1936; 899 8992-146 Supp. 193 1936; 8992-94 Supp. 1936.
(*) 8992-27 to 8992-29 Supp. 1936.
(*) 8992-27 to 8992-29 Supp. 1936.
(b) 8617.
(c) 8621.
(5) 8992-33 Supp. 1936.
(6) 8992-30 Supp. 1936.
(7)
(a) 8617.
(b) 8621.
(c)
(*) 8617.
(*) 8617.
(*)
(*) 8617.
(*) 8619.
(*)
(*) 8617; 8620.

MISSISSIPPI

Adoption

(1) ch. 268, Sess. 1938.
(2) ch. 268, Sess. 1938.
(3) ch. 268, Sess. 1938.

Divorce

(1)
(a) ch. 264, Sess. 1938.
(b) ch. 264, Sess. 1938.
(c) ch. 264, Sess. 1938.
(d) ch. 264, Sess. 1938.
(e) ch. 264, Sess. 1938.
(f) ch. 264, Sess. 1938.
(g)
(h) ch. 264, Sess. 1938.
(2) 1421.
(3) 1425.
(4)
(a)
(5)
(a)
(b)
(6)
(a) ch. 264, Sess. 1938; 1416.
(b) ch. 264, Sess. 1938.

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Mississippi

(c)
(7) 1422.
(8)
(9) 1421 Annot.
(a) 1421 Annot.
(10) 1422.
(11) 1415.
(12)
(a)
(13) 1421.
(14)
(a) 1421.

Dower

(1) 1942.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 1942.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 1865; 1868; 1863.
(b) 1865-1867; 1863.
(c) 1866; 1867.
(2) 1876; 1877.
(3) 2362.
(4)
(a) 1892.
(b) 1892.
(5) 1863.

Husband and Wife

(1)
(a) 2143; 3343; 2141.
(*) 2143; 3343; 2141.
(b) 1940; Const. sec. 94.
(2)
(a) 1943.
(b)
(c)
(d) 1940.
(3)
(a) 1941.
(b) 1940.
(c)
(4)
(a) 1629.
(b)
(c) 1940.
(d) 1944.
(e) 1940.
(f) 1945.
(g) 1940.
(h) 1940.
(i) 1940.
(j) 1940.
(*) 1940; 1945.
(k) 1528.
(5)
(a) 3550.

Marriage

(1) 768; 1137; 825.
(2) 3343.
(3)
(4) ch. 264, Sess. 1938.
(a) ch. 264, Sess. 1938.
(b) 1415.
(5)
(a) 2362; 1376.
(b) 2362; 1376.
(6)
(a) 2362.
(b) 2362.
(7)
(a) 1422; ch. 264, Sess. 1938.
(b) 768; 1137; ch. 264, Sess. 1938.
(c) 768; 1137.
(d) ch. 264, Sess. 1938.
(e) ch. 264, Sess. 1938; 2359; 2360.
(f) ch. 264, Sess. 1938.
(g) 2361.
(h)
(8) 795; 796.
(9) 2363; 2367.
(10) 796.
(11)
(a) 2367.
(b)
(12)
(a) 2143; 3343; 2141.
(b) 2143; 3343; 2141.
(13)
(a) 2362.
(14)
(a) 2363; 2367; ch. 264, Sess. 1938; 1422.
(b) 2359; 2360; 1004; 1005.

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Mississippi

(c) ch. 264, Sess. 1938; 2363.
(d) 2362.
(e) 2361; 776.
(f) 2361; 1103; Const. Sec. 263.
(15)
(a) 2362; 2363.
(b) 2364; 2365; 2366.
(c)

Property

(1)
(a) 1944; 1778; 1780; 2920.
(b) 1944; 1778; 1780.
(c) 1404; 3563; 1402; 1410; 1412; 1757.
(d) 1674; 1411.
(e) 1944.
(2) 1511.
(3)
(a) 1778; 1780.
(4)
(a) 1401; 1402; 1404; 1406; 141[illegible]; 3563; 1741; 1757.
(*) 1402; 1404; 1410; 3563.
(*) 1402; 1404; 1410; 3563.
(b) 1940; 1943; 1944.
(c) 1944.
(5) 1408.
(6) 1403.
(7)
(a) 1940.
(b) 1943; 1944.
(c)
(*) 1940.
(*) 1940.
(*) 1940.
(*) 1940.
(*) 1940.
(*)
(*) 1940; 1943; 1945.

MISSOURI

Adoption

(1) 14074.
(2) 14073.
(3) 14079.

Divorce

(1)
(a) 1350.
(b) 1350.
(c) 1350.
(d) 1350.
(e) 1350.
(f) 1350.
(g) 1350 Annot.
(h)
(2) 1355; 1356.
(3)
(4)
(a)
(5)
(a)
(b)
(6)
(a) 1357; 1351.
(b) 1350 Annot.
(c) 1357.
(7) 1350.
(8) 1359.
(9) 2989; 1351.
(a) 2989 Annot.
(10)
(11) 1353.
(12)
(a) 1359.
(13) 1355; 1361; 1362.
(14)
(a) 1355; 1356; 1358 Annot.

Dower

(1) 318.
(2) 14011; 313.
(3) 344.
(4)
(a) 331.
(b) 335; 3015; 330.
(5) 614; 345.
(a) 249; 348; 349; 361; 362.
(6) 332; 333.
(7) 335; 336; 3015.
(8) 614.
(9) 319.
(10) 338; sec. 107, Supp. 1937.
(11) 249; sec. 107, Supp. 1937.
(12) 329; 2997; 369(2).
(13)
(a) 329.
(*) 329; 351.
(b) 339; 336.
(c) 329.
(d) 339.

Guardian and Ward

(1)

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Missouri

(a) 378; 376; 381.
(b) 375.
(c) 380.
(2) 402.
(3) 2983.
(4)
(a) 431.
(b) 431.
(5) 375.

Husband and Wife

(1)
(a) 2986; 334; 2967.
(*) 2986-2988; 1706; 11543.
(b) 2998.
(2)
(a) 3003.
(b) 3004.
(c) 3004.
(d) 3002; 3003.
(3)
(a) 3003.
(b) 2998; 704.
(c) 704.
(4)
(a) 7.
(b)
(c) 2998; 704.
(d) 3003; 3015; 3016.
(e) 2998; 704.
(f) 3002.
(g) 2998.
(h) 2998.
(i) 2998.
(j) 3002; 3003; 3004.
(*) 3002; 3003.
(k) 1728.
(5) 521.
(a) 518.

Marriage

(1) 4002; 4011.
(2) 862.
(3) 1351.
(4) 1350; 1351.
(a) 1350.
(b) 1353.
(5)
(a) 2983.
(b) 2983.
(6)
(a) 2983.
(b) 2983.
(7)
(a) 2975; 2977; 1350.
(b) 4002; 1350.
(c) 4002; 1350.
(d) 1350.
(e) 2974; 4261.
(f) 2974.
(g) 2974.
(h) 2983.
(8) 4256-4258.
(9) 2977.
(10) 4257.
(11)
(a) 2977.
(b)
(12)
(a) 2986; 334; 2967.
(b) 2986-2988; 1706; 11543.
(13)
(a) 2983.
(14)
(a) 2975.
(b) 2974.
(c) 2974.
(d) 2983.
(e)
(f) 2974.
(15)
(a) 2978.
(b) 2976; 2977.
(c)

Property

(1)
(a) 3015; 3016; 3002; 2997; 608.
(b) 3015; 3016.
(c) Sec. 107, Supp. 1937; 306; 318; 319; 323; 324; 326.
(d) 306.
(e) 3015; 3016.
(2) 620.
(3)
(a) 608.
(4)
(a) 306; 319; 323; 324; Pg. 164, sec. 1, 107, Sess. 1933.
(*) 306; 324; 325.
(*) 306; 323.
(b) 2998.
(c) 3015; 3016.
(5) 314.
(6) 309.
(7)
(a) 2998; 3016.
(b) 3015; 3016.
(c)
(*) 2998; 3016.
(*) 2998; 3003.
(*) 2996.
(*) 3002; 303.
(*) 2999.
(*)
(*) 3002; 3003.

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MONTANA

Adoption

(1) 5859.
(2) 5858.
(3) 5864.

Divorce

(1)
(a) ch. 65, Sess. 1937; 5737.
(b) ch. 65, Sess. 1937; 5738;
(c) ch. 65, Sess. 1937; 5739; 5746; 5749.
(d)
(e) ch. 65, Sess. 1937.
(f) ch. 65, Sess. 1937; 5748; 5749.
(g) ch. 65, Sess. 1937; 5747; 5749.
(h) ch. 65, Sess. 1937.
(2) 5769-5772.
(3)
(4)
(a)
(5) ch. 65, Sess. 1937.
(a) 5769 Annot.
(b) 5742; 5743 Annot, 5744.
(6)
(a) 5750; 5752.
(b) 5750; 5753-5759; 5761.
(c) 5750; 5760.
(7) 5775-5776.
(8)
(9) ch. 65, Sess. 1937.
(a) 5769 Annot; 5743.
(10) 5735.
(11) 5766.
(12)
(a) 5773; 5774.
(13) 5769-5771.
(14)
(a) 5772-5774; 5777; 5778.

Dower

(1) 5813.
(2) 7088.
(3) 10163.
(4)
(a) 5735 Annot.
(b) 5813; 5818.
(5) 10165.
(a) 10166; 10167.
(6) 5819; 5820.
(7) 5819; 5824.
(8) 10151; 10145.
(9) 5812.
(10) 10144.
(11) 10144.
(12) ch. 19, Sess. 1937; 10427.
(13)
(a) 5820.
(*)
(b) 5826.
(c) 5820.
(d) 10168.

Guardian and Ward

(1)
(a) 5874; 5875; 5878.
(b) 5873.
(c) 5873.
(2) 5880.
(3) 5712.
(4)
(a) 5886; 5887.
(b) 5886; 5887.
(5) 5834; 5839.

Husband and Wife

(1)
(a) 7519; 10613; 5804-5806; 5904.
(*) 5804-5806; 10611; 10613.
(b) 5811; 5786.
(2)
(a) 7929; 5786.
(b) 5799.
(c) 5798; 5799.
(d) 5799; 5790.
(3)
(a) 9069.
(b) 9069; 5809.
(c) 9070.
(4)
(a) 10073; 10068.
(b) 7929; 5786.
(c) 9069; 9070; 5808.
(d) 5785; 5786.
(e) 9069; 5791; 5809.
(f) 5800.
(g) 5786; 5811.
(h) 5792; 5810.
(i) 5797; 5810.
(j) 5799; 5798; 5795.
(*) 5799; 5795.
(k) 10536; 12176.
(5) 7002.
(a) 6975.

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(1)
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(b) 37:2-17; ch. 387, Sess. 1938; 46:28-6.
(c) 3:3-4; 3:37-1; 3:37-2.
(d) 3:5-1.
(e) 37:2-17.
(2) 2:53-1 to 2:53-5.
(3)
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(4)
(a) 3:3-4; 3:37-2; 3:5-2; 3:5-3.
(*) 3:5-3; 3:3-4.
(*) 3:5-2; 3:3-4.
(b) 37:2-15.
(c) 37:2-24.
(5) 3:3-10.
(6) 3:3-5 to 3:3-8.
(7)
(a) 37:2-16.
(b) 37:2-17.
(c)
(*) 37:2-16; 37:2-17.
(*) 37:2-12; 37:2-13.
(*) 37:2-9.
(*) 37:2-13; 37:2-15.
(*)
(*)
(*) 37:2-15.

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(1) 2-104; 2-203 Supp. 1938.
(2) 2-103; 2-202 Supp. 1938.
(3) 2-116.

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(1)
(a) 68-501, Supp. 1938.
(b) 68-501, Supp. 1938.
(c) 68-501, Supp. 1938.
(d) 68-501, Supp. 1938.
(e) 68-501, Supp. 1938.
(f) 68-501, Supp. 1938.
(g) 68-501, Supp. 1938.
(h) 68-512 to 68-518 Supp. 1938.
(2) 68-506 to 68-509.
(3)
(4)
(a) 68-502; 68-503; 68-507; 68-509.
(5) 68-506.
(a) 68-506.
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(6)
(a)
(b)
(c)
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(8)
(9) 68-502; 68-506.
(a) 68-509.
(10)
(11) 68-504.
(12) 68-506; 68-507; 68-509.
(a)
(13) 68-506; 68-508.
(14)
(a) 68-506; 68-507; 68-509.

Dower

(1) 68-308.
(2)
(3)
(4)
(a)
(b)
(5)
(a)

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(8)
(9) 68-308.
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(12)
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(a)
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(b)
(c)
(d)

Guardian and Ward

(1)
(a) 62-101.
(b) 62-202; 62-104; 62-105 Supp. 1938.
(c) 62-202.
(2) 62-114.
(3) 87-103.
(4)
(a) 62-125; 62-125 Annot. Supp. 1938.
(b) 62-125; 62-125 Annot. Supp. 1938.
(5) 62-104.

Husband and Wife

(1)
(a) 68-203 to 68-206.
(*) 68-203 to 68-205.
(b) 68-201.
(2)
(a) 68-202.
(b) 68-306; 68-307.
(c) 68-306; 68-307.
(d) 68-307; 68-201.
(3)
(a) 105-109.
(b) 105-109.
(c)
(4)
(a) 47-110.
(b) 68-202.
(c) 105-109.
(d) 68-106.
(e) 105-109.
(f) 68-103.
(g) 68-302; 68-201.
(h) 68-302; 18-104 Supp. 1938.
(i) 68-304.
(j) 68-307.
(*) 68-304; 68-307.
(k) 45-505 Supp. 1938; 45-512 Supp. 1938.
(5)
(a) 154-101; 38-104.

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(1) 35-804; 35-901; 35-1001.
(2) 83-104.
(3) 87-110.
(4) 68-501 Supp. 1938.
(a) 68-504.
(b) 68-503; 68-504.
(5)
(a) 87-107; 87-103.
(b) 87-107; 87-103.
(6)
(a) 87-107.
(b) 87-107.
(7)
(a)
(b)
(c)
(d) 68-501 Supp. 1938.
(e) 87-110.
(f) 68-512 Supp. 1938.
(g)
(h) 87-110.
(8) 35-3901.
(9) 87-123; 35-3902; 87-111.
(10)
(11)
(a) 87-111; 87-113.
(b)
(12)
(a) 68-203 to 68-206.
(b) 68-203 to 68-205.
(13)
(a) 87-103; 87-107.
(14)
(a) 35-3901; 35-3902.
(b) 87-106; 87-109; 87-110.
(c)
(d) 87-110.
(e) 87-105.
(f)
(15)
(a) 87-113.
(b) 87-102; 87-104.
(c) 87-121.

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(1)
(a) 68-403; 68-411 Supp. 1938; 1-107A, Supp. 1938; 68-301.
(b) 1-113.
(c) 38-104 to 38-107; 38-109; 38-110.
(d) 38-106.
(e) 68-403; 68-402; 68-502 Annot.
(2) 38-112.

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(3)
(a) 68-403.
(4)
(a) 38-104; 38-106; 38-109; 38-110.
(*) 38-104; 38-106.
(*) 38-104; 38-106.
(b) 68-302; 68-106.
(c) 68-403.
(5) 38-114.
(6) 38-117 to 38-119; 38-108; 68-410.
(7)
(a) 68-302; 68-201.
(b) 68-106.
(c)
(*) 68-302; 68-201.
(*) 68-302; 68-304.
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(*) 68-304.
(*) 68-305.
(*)
(*) 68-307; 68-304.

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(1) Dom. Rel. 111.
(2) Dom. Rel. 110.
(3) Dom. Rel. 115.

Divorce

(1)
(a) Pg. 542, sec. 1147, C.C.P. 1937.
(b)
(c)
(d)
(e)
(f)
(g)
(h)
(2) Pg. 546, sec. 1155, C.C.P. 1937; Pg. 555, sec. 1169, C.C.P. 1937; Pg. 559, sec. 1170, C.C.P. 1937.
(3)
(4)
(a)
(5) Pg. 37, sec. 1161, C.C.P. Supp. 1938.
(a) Pg. 564, sec. 1117a, C.C.P. 1937.
(b) Pg. 548, sec. 1159 Annot. C.C.P. 1937.
(6)
(a) Pg. 546, sec. 1153, C.C.P. 1937.
(b) Pg. 546, sec. 1153, C.C.P. 1937.
(c) Pg. 546, sec. 1153, C.C.P. 1937.
(7) Pg. 546, sec. 1154 C.C.P. 1937; P g. 547, sec. 1157, C.C.P. 1937.
(8)
(9)
(a)
(10) Dom. Rel. 8.
(11) Pg. 542, sec. 1147, C.C.P. 1937.
(12)
(a) Pg. 547, sec. 1156, C.C.P. 1937.
(13) Pg. 546, sec. 1155 C.C.P. 1937; Pg. 555, sec. 1169, C.C.P. 1937; Pg. 559, sec. 1170 C.C.P. 1937.
(14)
(a) Pg. 555, sec. 1169, C.C.P. 1937.

Dower

(1) Real Prop. 189, 190; Pg. 547, sec. 1156, C.C.P. 1937.
(2) Real Prop. 10, 190.
(3) Real Prop. 476.
(4)
(a) Pg. 547, sec. 1156, C.C.P. 1937; Real Prop. 196, 196a.
(b) Real Prop. 198; Pg. 899, sec. 243 C.C.P. 1937; Pg. 499, sec. 1054, C.C.P. 1937.
(5) Real Prop. 472.
(a) Real Prop. 476.
(6) Real Prop. 200.
(7) Real Prop. 199.
(8) Pg. 392, sec. 674, C.C.P. 1937.
(9) Real Prop. 189; Dom. Rel. 56.
(10) Real Prop. 204.
(11) Real Prop. 204.
(12) Pg. 498, sec. 1052, 1053, C.C.P. 1937; Real Prop. 460; Pg. 629-633, sec. 1386-1389, 1391-1393, 1396-1403, 1406, 1408, 1409, C.C.P. 1937; Dec. Est. 18.
(13)
(a) Real Prop. 201; Dec. Est. 18.

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(*) Pg. 12, sec. 16-18, C.C.P. 1937; Pg. 71, sec. 120, C.C.P. 1937.
(b) Real Prop. 508-511; Pg. 498, 499, sec. 1049-1051, 1053 C.C.P. 1937.
(c) Real Prop. 201; Dec. Est. 18.
(d) Real Prop. 464-467; Pg. 451, 452, sec. 889-891, C.C.P. 1937.

Guardian and Ward

(1)
(a) Pg. 1022, sec. 172 C.C.P. 1937; Pg. 906, sec. 290-292C.C.P. 1937; Pg. 500, sec. 1063 C.C.P. 1937; Pg. 978, sec. 118C.C.P. 1937; Pg. 1025, sec. 183, C.C.P. 1937.
(b) Dom. Rel. 80, 81.
(c) Dom. Rel. 81, 82; Pg. 1022, sec. 173, 174, C.C.P. 1937; Pg. 1026, sec. 187-189.
(2) Pg. 907, sec. 293, C.C.P. 1937; Pg. 1028, sec. 194C.C.P. 1937.
(3) Dom. Rel. 15, 25.
(4)
(a) Dom. Rel. 84.
(b) Dom. Rel. 84.
(5) Dom. Rel. 80, 81, 59.

Husband and Wife

(1)
(a) Pers. Prop. 30, 31, 32; Dom. Rel. 53.
(*) Pers. Prop. 31, 32.
(b) Dom. Rel. 51.
(2)
(a)
(b) Dom. Rel. 54.
(c) Dom. Rel. 54.
(d) Dom. Rel. 51.
(3)
(a) Dom. Rel. 57.
(b) Dom. Rel. 57; Pg. 108, sec. 200, C.C.P. 1937; Pg. 1146, sec. 28, C.C.P. 1937.
(c) Dom. Rel. 55; Pg. 1146, sec. 28, C.C.P. 1937.
(4)
(a) Pg. 52, sec. 118C.C.P. Supp. 1938.
(b)
(c) Dom. Rel. 57.
(d) Dom. Rel. 50 Annot; Real Prop. 66.
(e) Dom. Rel. 51; Pg. 1146, sec. 28, C.C.P. 1937.
(f) Dom. Rel. 50 Annot.
(g) Dom. Rel. 51.
(h) Dom. Rel. 50, 51.
(i) Dom. Rel. 60.
(j) Dom. Rel. 54, 51.
(*) Dom. Rel. 50.
(k) Pg. 243, sec. 349, C.C.P. 1937; Pg. 236, sec. 346, C.C.P. 1937; Penal 2445, 1091.
(5) Dec. Est. 35.
(a) Dec. Est. 10, 15.

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(1) Penal 532, 2175 to 2177.
(2) Pers. Prop. 41; Pg. 34, sec. 61a, 61b, C.C.P. 1937; Pg. 233, sec. 339, C.C.P. 1937.
(3) Dom. Rel. 7; Pg. 524, sec. 1132C.C.P. 1937; Pg. 36, sec. 1146a, C.C.P. Supp. 1938.
(4) Pg. 542, sec. 1147 C.C.P. 1937.
(a) Pg. 542, sec. 1147 C.C.P. 1937; Pg. 37, sec. 1161, C.C.P. Supp. 1938.
(b) Pg. 551, sec. 1162, C.C.P. 1937; Pg. 542, sec. 1147 C.C.P. 1937.
(5)
(a) Dom. Rel. 2.
(b) Dom. Rel. 2.
(6)
(a) Dom. Rel. 15a.
(b) Dom. Rel. 15a.
(7)
(a) Pg. 535, sec. 1134 C.C.P. 1937;
(b) Pg. 538, sec. 1139, C.C.P. 1937; Dom. Rel. 7.
(c) Pg. 538, sec. 1139, C.C.P. 1937; Dom. Rel. 7.
(d) Pg. 540, sec. 1141, C.C.P. 1937; Dom. Rel. 7.
(e) Dom. Rel. 5.
(f) Dom. Rel. 7; Penal 1450.
(g)

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(h) Pg. 535, sec. 1133, C.C.P. 1937; Dom. Rel. 7.
(8) Penal, 340, 341.
(9) Dom. Rel. 6 Annot.; Dom. Rel. 10 Annot.
(10) Pg. 234, sec. 341, C.C.P. 1937; Dom. Rel. 7a.
(11)
(a) Dom. Rel. 13.
(b) Dom. Rel. 13a.
(12)
(a) Pers. Prop. 30, 31, 32; Dom. Rel. 53; Real Prop. 242.
(b) Pers. Prop. 31, 32, 33.
(13)
(a) Dom. Rel. 15, 25.
(14)
(a) Dom. Rel. 6.
(b) Dom. Rel. 5; Penal 1110.
(c) Penal 1450; Dom. Rel. 7.
(d) Dom. Rel. 7, 15a.
(e)
(f)
(15)
(a) Dom. Rel. 15.
(b) Dom. Rel. 12.
(c) Dom. Rel. 11, 14.

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(1)
(a) Dom. Rel. 56; Pg. 499, sec. 1054 C.C.P. 1937; Real Prop. 66.
(b) Dom. Rel. 56; Real Prop. 190, 197, 199, 200-202, 259, 291, 291a, 302.
(c) Dec. Est. 18, 81-85.
(d) Dec. Est. 83.
(e)
(2) Art. 1, sec. 10, Const.; Pub. Lands 60-70.
(3)
(a) Pg. 392, sec. 678, C.C.P. 1937.
(4)
(a) Real Prop. 189, 203; Dec. Est. 18, 83; Per. Prop. 11.
(*) Real Prop. 189, 203; Dec. Est. 18, 83.
(*) Real Prop. 189, 203; Dec. Est. 18, 83.
(b) Dom. Rel. 50.
(c) Dom. Rel. 56.
(5) Dec. Est. 83(7).
(6) Dec. Est. 83(11).
(7)
(a) Dom. Rel. 51; Real Prop. 142, 143.
(b) Dom. Rel. 56.
(c)
(*) Dom. Rel. 51, 56.
(*) Dom. Rel. 56.
(*) Dom. Rel. 51; Real Prop. 11, 142, 143.
(*) Dom. Rel. 60.
(*)
(*)
(*) Dom. Rel. 50.

NORTH CAROLINA

Adoption

(1) 191 (4).
(2) 191 (1).
(3) 191 (10).

Divorce

(1)
(a) 1659(1).
(b) 1660(3); 1660(1).
(c) 1659(a) Supp. 1937.
(d) 1659(2).
(e) 1659(4).
(f)
(g)
(h)
(2) 1665; 1667; 1668.
(3)
(4)
(a)
(5) 1660.
(a) 1666 to 1668.
(b) 1659(a) Supp. 1937.
(6)
(a) 1661.
(b) 1660.
(c) 1659(1) Annot.
(7) 1663.
(8) 1663.
(9) 1659(a) Supp. 1937; 1667.
(a) 1659(a) Supp. 1937.
(10) 1663.
(11) 1659(a) Supp. 1937.
(12) 2514.
(a)
(13) 1664; 1665; 1667; 1668.
(14)
(a) 1666; 1668.

Dower

(1) 4100.
(2) 192.
(3) 4106.

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(4)
(a) 2522; 2523.
(b) 4102; 4103(a).
(5) 4106.
(a) 3226.
(6) 4096.
(7) 4096 to 4098; 4102; 4103(a).
(8) 4100.
(9) 2519.
(10) 4100; 4108 to 4112.
(11) 4108 to 4112.
(12) 4096.
(13)
(a) 4105; 3226.
(*) 4107.
(b)
(c) 4096; 4105.
(d)

Guardian and Ward

(1)
(a) 2150.
(b) 2151; 2152.
(c) 2151.
(2) 2155; 2189.
(3) 2500.
(4)
(a) 2151; 2188.
(b) 2151; 2188.
(5) 2152; 2153.

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(1)
(a) 3314; 2525; 2516; 1008; 1009.
(*) 3314; 2525.
(b) 2507; 2515; 2516.
(2)
(a)
(b) 2517.
(c) 2517.
(d) 2520; 665.
(3)
(a) 454.
(b) 454.
(c) 2520; 2521.
(4)
(a) 6.
(b)
(c) 454.
(d)
(e) 454.
(f) 4449; 4450.
(g) 2507; 2515; 2516.
(h) 2506; Const. Art. 10, sec. 6.
(i) 2525 to 2528; 3292.
(j) 2517; 2520; 665.
(*) 2506; 2510.
(k) 1802; 1801.
(5) 4134.
(a) 2511; 4129.

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(1) 4339.
(2) 441.
(3) 1658.
(4) 1659.
(a) 1658; 1659.
(b) 1659(a) Supp. 1937.
(5)
(a) 2500; 2503.
(b) 2500; 2503.
(6)
(a) 2494.
(b) 2494.
(7)
(a) 1658.
(b)
(c)
(d) 1659; 2495.
(e) 1658; 2495; 2496.
(f) 2495; 1658.
(g) 1658; 2495; 4340.
(h) 1658; 2494; 2500.
(8) 4342.
(9) 2493 Annot.
(10) 4342.
(11)
(a) 2498; 2499; 2500.
(b) 2500(a) to 2500(g).
(12)
(a) 3314; 2525; 1008.
(b) 3314; 2525.
(13)
(a) 2494; 2500.
(14)
(a) 2495; 4342.
(b) 2495; 2496.
(c) 2495.
(d) 2495.
(e) 4342.
(f) 2495; 4340.
(15)
(a) 2493.
(b) 2493.
(c) 2502.

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(1)
(a) 997; 998; 2509; 2510; 4101 to 4103b; 1003; 3351; 3012; 2577.
(b) 998; 3366(j6) Supp. 1937.
(c) 1654(8); 137: Const. Art. 10, sec. 5; 4100; 2519.

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(d) 59; 74.
(e) 4101; 4102.
(2) 5784; 5784(a).
(3)
(a) 4103; Const. Art. 10, sec. 8.
(4)
(a) 1654; 140; 2519.
(*) 1654; 137.
(*) 1654; 137.
(b) 2517; 2520.
(c) 2516.
(5) 1654(10); 140.
(6) 1654(6).
(7)
(a) 2507; 2509; 2510.
(b) 2516.
(c)
(*) 2506; 3351.
(*) 2506.
(*) 2513.
(*) 2506.
(*) 2529.
(*)
(*) 2510; 2506.

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(1) 4444 Supp. 1925.
(2) 4443; 4446 Supp. 1925.
(3) 4449.

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(1)
(a) 4380, Supp. 1925; 4381.
(b) 4380, Supp. 1925; 4382.
(c) 4380, Supp. 1925; 4383.
(d)
(e) 4380, Supp. 1925.
(f) 4380, Supp. 1925; 4386.
(g) 4380, Supp. 1925.
(h) 4380, Supp. 1925.
(2) 4401 to 4403; 4405; 4406.
(3) ch. 132, Sess. 1927.
(4)
(a) 4406.
(5) ch. 132, Sess. 1927.
(a) ch. 132, Sess. 1927.
(b) ch. 105, Sess. 1933.
(6)
(a) 4387; 4389; 4396.
(b) 4387; 4390 to 4392; 4396.
(c) 4387; 4393; 4396.
(7) 4394; 4395.
(8)
(9) 4401; ch. 132, Sess. 1927.
(a) ch. 105, Sess. 1933.
(10) 4379.
(11) 4398 Supp. 1925.
(12)
(a) 4406.
(13) 4401; 4405; 4406.
(14)
(a) 4405; 4401 to 4403; 4406.

Dower

(1) 4414, Supp. 1925; 5744.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
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(8)
(9) 4414, Supp. 1925; 5744.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

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(1)
(a) 8874, Supp. 1925; 4463; 4460; 4458; 4440a1, Supp. 1925.
(b) 4456, 4424 Supp. 1925.
(c) 4462.
(2) 4464.
(3) 4358.
(4)
(a) 4470; 4471.
(b) 4470; 4471.
(5) 4457; 4424 Supp. 1925.

Husband and Wife

(1)
(a) 5888; 5931.
(*) 5890.
(b) 4411.
(2)
(a) 6320.
(b) 4414, Supp. 1925.

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(c) 4414, Supp. 1925.
(d) 4414, Supp. 1925.
(3)
(a) 4411.
(b) 4411; 7398.
(c) 7406.
(4)
(a) 8651; 8657; 8682.
(b) 6320.
(c) 4411.
(d) 4410.
(e) 4411.
(f) 4415; 4409; 4414, Supp. 1925.
(g) 4411.
(h) 4411.
(i) 4414, Supp. 1925.
(j) 4414, Supp. 1925; 4411.
(*) 4414, Supp. 1925; 4411.
(k) 7871.
(5) 5668.
(a) 5641.

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(1) 9575.
(2) 7164.
(3) 4368; 4369.
(4) 4379; 4400, Supp. 1925.
(a) 4379; 4400, Supp. 1925.
(b) 4398, Supp. 1925.
(5)
(a) 4358.
(b) 4358.
(6)
(a) 4358.
(b) 4358.
(7)
(a) 4368(2); 4369.
(b) 4368(4); 4369; 4371.
(c) 4368(5); 4369; 4371.
(d) 4368(6); 4369.
(e) 4359.
(f) 4368(3); 4369; 4380, Supp. 1925.
(g) 9582.
(h) 4368(1); 4369.
(8) 9610 to 9612.
(9) 4357.
(10) 7921; 9611; 4360.
(11)
(a) 4361, Sess. 1931; ch. 179, sec. 1, Sess. 1931; 4375.
(b) 4375.
(12)
(a) 5888.
(b) 5890.
(13)
(a) 4358; 4362; 4375.
(14)
(a) 4360.
(b) 4359; 9614.
(c) 4374.
(d) 4358; 4362.
(e) 4366.
(f) 9582.
(15)
(a) 4362; 4375.
(b) 4361, Sess. 1931; ch. 179, sec. 1, Sess. 1931.
(c) 4361, Sess. 1931; 4362; ch. 179, sec. 1, Sess. 1931.

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(1)
(a) 5517; 5568; 5608, Supp. 1925; 4414, Supp. 1925; 5511.
(b) 5568; 5548; 5546; 5557; 5568.
(c) 5743(2), Supp. 1925; 8723; 8727; 8728; 5743.
(d) 5743; 5721; 5722; 8730.
(e)
(2) 9; 5760.
(3)
(a) 5608, Supp. 1925; 5608a, Supp. 1925.
(4)
(a) 5743; 5744; 8723; 8725; 5743(2), Supp. 1925.
(*) 5743(2), Supp. 1925.
(*) 5743.
(b) 4410; 4411.
(c) 4410; 4411.
(5) 5746.
(6) 5752.
(7)
(a) 4411.
(b) 4410.
(c)
(*) 5568; 5420; 5400; 5401; 5417.
(*) 4411; 4414, Supp. 1925.
(*)
(*) 4414, Supp. 1925.
(*) 4414, Supp. 1925.
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(*) 4410; 4411; 4414, Supp. 1925.

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OHIO

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(1) 10512-11; 10512-12.
(2) 10512-9; 10512-16.
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(1)
  (a) 11979.
  (b) 11979.
  (c) 11979.
  (d) 11979.
  (e) 11979.
  (f) 11979.
  (g) 11979.
  (h) 11979 Annot.; 11187.
(2) 11979-1; 11990; 11991; 11992; 11994.
(3) 11979 Annot. (5).
(4)
  (a) 11996; 11999.
(5) 11997.
  (a) 11998.
  (b) 11997.
(6)
  (a) 11988; 11979 Annot.
  (b) 11979 Annot.
  (c) 11979 Annot.
(7) 11987.
(8) 11990.
(9) 11997.
  (a) 11997.
(10)
(11) 11980.
(12) 11999.
  (a) 11999.
(13) 11987; 11994; 11998.
(14)
  (a) 11979-1; 11994; 11996.

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(1) 10502-1.
(2) 10503-13.
(3) 12004.
(4)
  (a) 11986; 10502-1.
  (b) 10502-2.
(5) 12009; 12010.
  (a) 12011; 12018.
(6) 10504-55; 10504-56.
(7) 10502-1 to 10502-3.
(8) 10504-61; 11732 to 11737; 11740.
(9) 10502-8.
(10) 10504-61.
(11) 10504-61.
(12) 12020; 12024; 10504-63.
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    (*)
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(1)
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  (b) 10507-8.
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(2) 10507-16.
(3) 11181.
(4)
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  (b) 10507-20; 10507-7; 10507-60.
(5) 10507-8.

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(1)
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    (*) 8621; 8510; 8511.
  (b) 7999.
(2)
  (a) 8318.
  (b) 8002 Annot.
  (c) 8002 Annot.
  (d) 7998.
(3)
  (a) 7998 Annot; 8002 Annot.
  (b) 11245.
  (c) 11246.
(4)
  (a) 10506-66.
  (b) 7997 Annot.
  (c) 11245.
  (d) 7998.
  (e) 11245.
  (f) 7997 Annot; 8003.
  (g) 7999.
  (h) 7998; 8001.
  (i) 7998 Annot.
  (j) 7998; 8001 Annot.
    (*) 7998.
  (k) 11493; 13444-2; 11494.
(5) 10504-53.
  (a) 10504-53; 10504-2.

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(1) 13026.
(2) 11224.
(3) 11989 Annot; 11181 Annot. (6).
(4) 11979; 11980; 11974-4 Supp. 1938.

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(a) 11979; 11980; 11974-4 Supp. 1938.
(b) 11980.
(5)
(a) 11181; 8023.
(b) 11181; 8023.
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(b) 11181.
(7)
(a) 11979.
(b) 11979.
(c)
(d) 11979.
(e)
(f) 11979.
(g)
(h)
(8) 13022.
(9) 11181; 11989; 10503-15.
(10) 10509-25.
(11)
(a) 11188; 11186.
(b)
(12)
(a) 8620; 8621.
(b) 8621; 8510; 8511.
(13)
(a) 11181; 11190; 11197; 1639-2, Supp. 1938.
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(a) 11181.
(b) 11181.
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(b) 11186; 11182.
(c) 11197.

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(1)
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(b) 8001; 7999; 8511; 8546 Annot.; 8565-1; 8620.
(c) 10503-4; 10502-1; 10502-2; 10502-10; 10503-5; 10502-8; 10503-1; 10512-3.
(d) 10504-77; 10509-121.
(e) 7996.
(2) 10503-4.
(3)
(a) 11730.
(4)
(a) 10503-4; 10503-1; 10503-2; 10502-1; 10502-2; 10502-8; 10512-3.
(*) 10503-4; 10503-1; 10503-2; 10502-1; 10502-2.
(*) 10503-4; 10503-1; 10503-2; 10502-1; 10502-2.
(b) 7998.
(c) 8001.
(5) 10503-14.
(6) 10503-4.
(7)
(a) 8001.
(b) 7998.
(c)
(*) 8001.
(*) 8001; 7999.
(*)
(*) 7998 Annot.
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(*)
(*) 7998; 7997.

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(3) 1714.

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(1)
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(d) 665.
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(f) 665.
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(h)
(2) 672.
(3)
(4)
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(5) 670; 678.
(a) 670; 678.
(b) 669 Annot.
(6)
(a) 679.
(b) 679.
(c) 669.
(7) 677.
(8) 672.
(9) 678.
(a) 678.
(10) 674; ch. 13, sec. 2, Sess. 1936-37.

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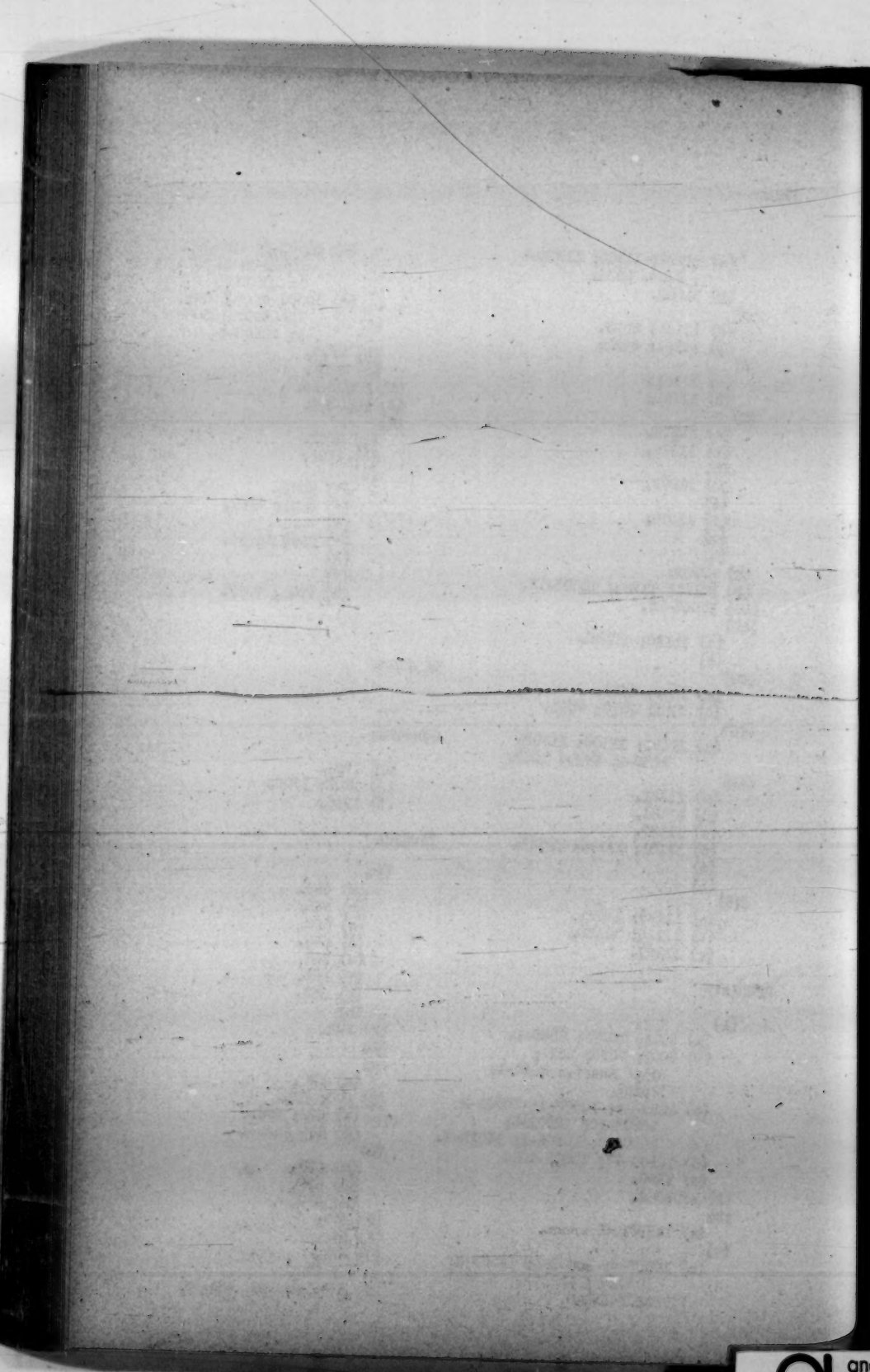

Oklahoma

(11) 666.
(12) 672.
(a) 672.
(13) 671.
(14)
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(1) 1618.
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(4)
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(b)
(5)
(a)
(6)
(7)
(8)
(9) 1618.
(10)
(11)
(12)
(13)
(a)
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(c)
(d)

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(1)
(a) 1419; 1418; 1425.
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(2) 1455; 1440; 1451.
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(4)
(a) 1511; 1512.
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(1)
(a) 9689; 1539; 9455.
(*) 9672; 9689.
(b) 1655; 9391.
(2)
(a)
(b) 1659.
(c) 1659.
(d) 1659.
(3)
(a) 145; 1665 Annot.
(b) 145; 1665.
(c) 146.
(4)
(a) 1135.
(b) 1655 Annot.
(c) 145; 1665.
(d) 1654.
(e) 1665; 1655.
(f) 1660; 1659; 1653; 1651 Annot.
(g) 1665.
(h) 1665; 1654; 1655.
(i) 1665.
(j) 1659.
(*) 1659.
(k) 268; 272; 681; 3069.
(5) 1563.
(a) 1537.

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(1) 2521 to 2525.
(2) 9982.
(3) 677; 116; ch. 13, Sess. 1936-37.
(4) 116; 665.
(a) 665; 668.
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(5)
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(a) 1668.
(b) 1668.
(7)
(a) 665.
(b) 665.
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(d) 665.
(e) 1667; 116.
(f) 677.
(g) 1677; 116.
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(9) 1666 Annot; 1668 Annot; 1669 Annot.
(10) 1635; ch. 8, Art. 3, sec. 1, Sess. 1936-37.
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(12)
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(b) 9672; 9689.
(13)
(a) 1668.
(14)
(a) 665; 13407.
(b) 1667.
(c) 677.
(d) 1668; 677.
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(f) 1677; 1678.
(15)
(a) 1670; 1671; 1675.

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(b) 1672.
(c) 1672.

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(1)
(a) 1658; 9661; 9670.
(b) 1658; 9661.
(c) 1617; 1223; 1224; 1228 to 1230; 1659; 1618.
(d) 1263; 1255.
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(2) 1635; 1617.
(3)
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(4)
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(*) 1617; 1228; 1223; 1224; 1229; 1659.
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(c) 1654; 9670.
(5) 1620.
(6) 1626.
(7)
(a) 1655.
(b) 1654; 1665.
(c)
(*) 1658; 1655; 9670; 9658.
(*) 1655; 1658; 1659.
(*) 1665 Annot.
(*) 1659.
(*) 1659.
(*) 1658.
(*) 1659.

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(d) 6-907.
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(c) 33-205.
(d) 33-201; 33-205.
(3)
(a) 33-202.
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(a) 11-208.
(b) 33-204.
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(h) 33-201; 33-205; 33-211.
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(4)
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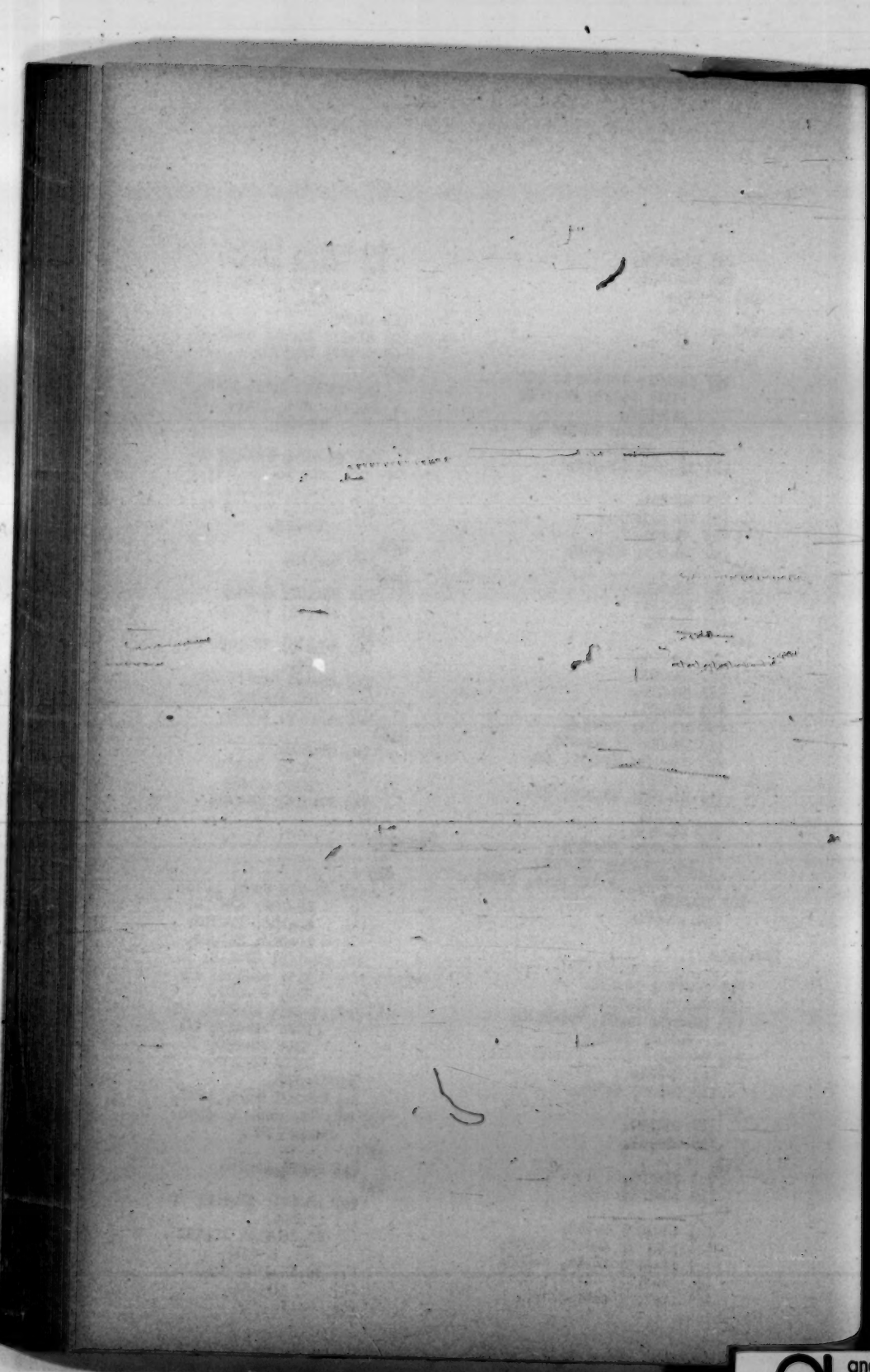

Oregon

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(a) 33-211.
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(c)
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(1) 5781.
(2) 4246.
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(4)
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(8)
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(13)
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(1)
  (a) 5654; 5655.
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(1)
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(2)
  (a) 4203.
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  (d) 4201; 4204; 4205.
(3)
  (a) 4206.
  (b) 4206.
  (c) 4206.
(4)
  (a) 4202; 5428; 5426.
  (b) 4203.
  (c) 4206.
  (d) 4198.
  (e) 4206.
  (f) 6182; 4208.
  (g) 4195.
  (h) 4193.
  (i) 4201.
  (j) 4804.
  (*) 4204.
  (k) 5023.
(5) ch. 1754, sec. 1, Sess. 1931-32.
  (a) 4199.

Marriage

(1) 6149.
(2) 5064 to 5068.
(3) 4212.
(4) 4212.
  (a) 4212.
  (b) 4221.
(5)

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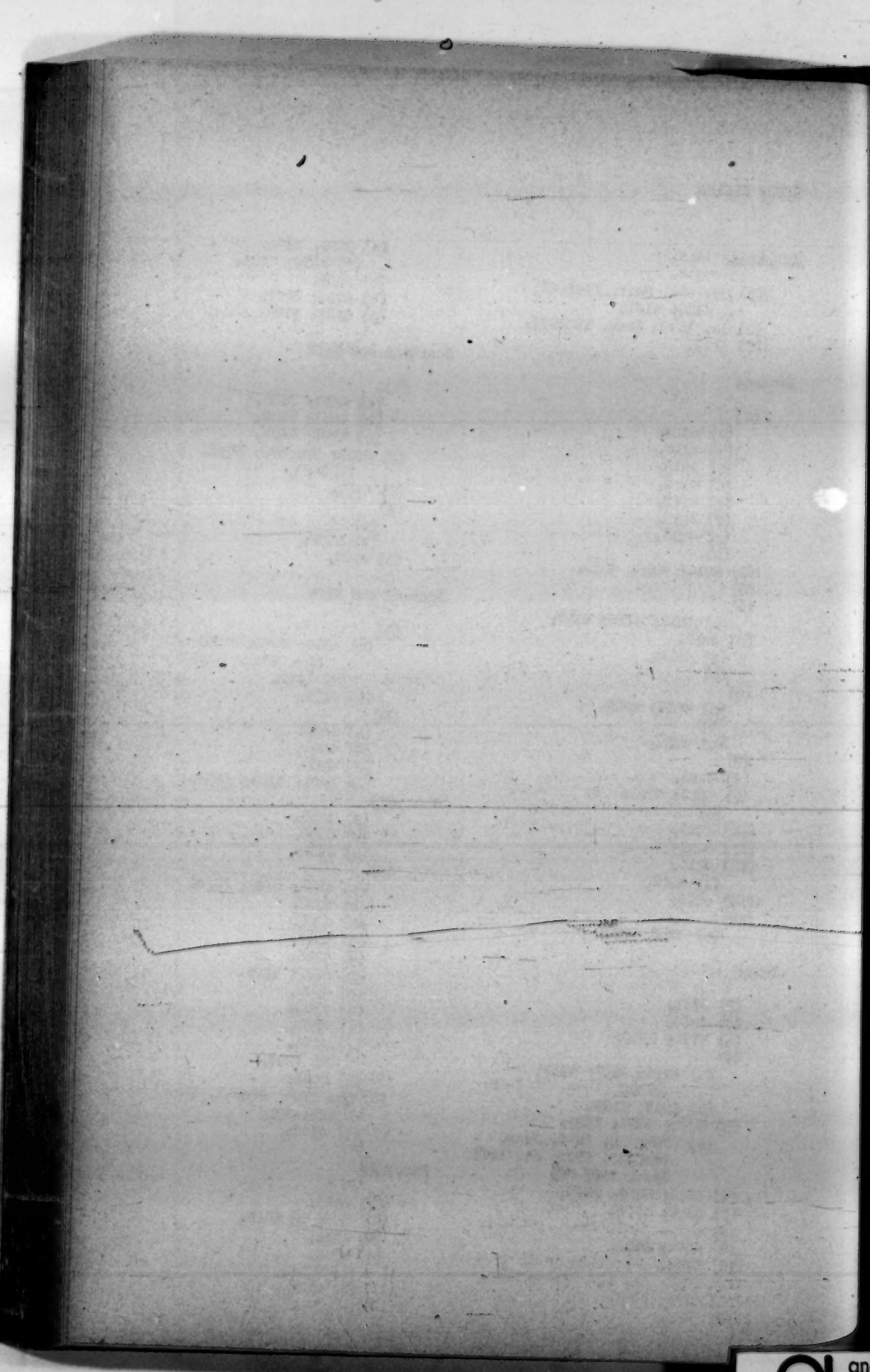

Rhode Island

(a) 4165.
(b) 4165.
(6)
(a) 4165.
(b) 4165.
(7)
(a) 4212; ch. 1066, Sess. 1927-28.
(b) 4212.
(c) 4212.
(d) 4213.
(e) 4212; 4155 to 4157; 6153.
(f) ch. 1066, Sess. 1927-28; 4212.
(g)
(h) 4165; 4212.
(8) 6145.
(9) 4164.
(10) 4245; 6145.
(11)
(a) ch. 1064, Sess. 1927-28.
(b)
(12)
(a) 4268; 4277; 4854; ch. 839, Sess. 1925-26.
(b) 4272.
(13)
(a) 4165.
(14)
(a) ch. 801, Sess. 1926; ch. 1066, Sess. 1927-28.
(b) 4155 to 4158; 6153.
(c) ch. 1066, Sess. 1927-28.
(d) 4165.
(e)
(f)
(15)
(a) ch. 1064, Sess. 1927-28.
(b) 4162; 4163; ch. 1896, Sess. 1931-32.
(c) ch. 1064, Sess. 1927-28; 4171.

Property

(1)
(a) ch. 1221, Sess. 1927-28.
(b) ch. 1221, Sess. 1927-28; 4197; 4198.
(c) ch. 1371, Sess. 1929-30; 5781; 5786; 5807; 4198; 5549; 5553; 5554; 5563; 5565; 5584 to 5487; ch. 827, Sess. 1925-26.
(d) 5554; 5555; 5526.
(e) ch. 1221, Sess. 1927-28; 4198.
(2) 5569; 5570; 5576 to 5578.
(3)
(a)
(4)
(a) 5549; 5554; 5563.
(*) 5549; 5554.
(*) 5546; 5565; 5554.
(b) 4193; 4200; 4211.
(c) 4198; 4200.
(5) ch. 855, Sess. 1925-26.
(6) 5554; 5549.
(7)
(a) 4194.
(b) 4198.
(c)
(*) 4196.
(*) 4193
(*) 4193.
(*) 4201; 4204.
(*)
(*)
(*) 4204.

SOUTH CAROLINA

Adoption

(1) 255(19); Art. 3, sec. 34, Const. 1895.
(2) 8679.
(3) 255(19).

Divorce

(1) Art. 17, sec. 3, Const. 1895.
(a)
(b)
(c)
(d)
(e)
(f)
(g)
(h)
(2)
(3)
(4)
(a)
(5)
(a)
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(12)

andronicus publishing company, inc.

South Carolina

(a)
(13)
(14)
(a)

Dower

(1) 8578 to 8611.
(2) 8908.
(3) 8603 to 8605.
(4)
(a) 8591 to 8593.
(b) 8586; 8579; 8580.
(5) 8605.
(a) 8608.
(6) 8582; 8912.
(7) 8586; 8587; 8589; 8590.
(8) 9094.
(9) 8577.
(10) 9088; 9091.
(11)
(12) 8597; 8598; 8602.
(13)
(a) 8603; 8604.
(*) 8604.
(b) 8588.
(c)
(d) 8604 Annot.

Guardian and Ward

(1)
(a) 8612; 8633; 8612 Supp. 1934.
(b) 8633; 8638.
(c) 8633.
(2) 8636.
(3) 8558 Supp. 1934.
(4)
(a)
(b)
(5) 8638.

Husband and Wife

(1)
(a) 8875 Supp. 1934; 8576.
(*) 8875 Supp. 1934; 8576.
(b) 8575; 8576; Art. 17, sec. 9, Const. 1895.
(2)
(a) Art. 17, sec. 9, Const. 1895, Annot.
(b) 8575.
(c) 8575.
(d) 8575.
(3)
(a) 400.
(b) 400.
(c) 400; 406.
(4)
(a) 8968.
(b)
(c) 400.
(d) 8580; 8586.
(e) 400.
(f) 8575; ch. 61, sec. 8, Sess. 1937; 256-1(43)(45)(58) Supp. 1936.
(g) 8575.
(h) 8572; 8574; 8575.
(i) 8573.
(j) 8575.
(*) 8572.
(k) 692.
(5) 8922.
(a) 8915.

Marriage

(1) 1433; 1441.
(2) 388.
(3) 8567.
(4) Art. 17, sec. 3, Const. 1895.
(a) Art. 17, sec. 3, Const. 1895.
(b) Art. 17, sec. 3, Const. 1895.
(5)
(a) 8558 Supp. 1934.
(b) 8558 Supp. 1934.
(6)
(a) 8558 Supp. 1934.
(b) 8558 Supp. 1934.
(7)
(a) 8568.
(b)
(c)
(d)
(e) 8556; 1440.
(f) 8556; 8567.
(g) 8571; 1438.
(h) 8558 Supp. 1934; 8567.
(8) 1434; 8568.
(9) 8569; 8570; 8563.
(10) 8913-1 Supp. 1934.
(11)
(a) 8557.
(b)
(12)
(a) 8875 Supp. 1934; 8576.
(b) 8875 Supp. 1934; 8576.
(13)
(a) 8558 Supp. 1934.
(14)
(a) 8568.
(b) 8556; 1440.
(c) 8556.

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South Carolina

(d) 8558 Supp. 1934.
(e)
(f) 8571; 1438.
(15)
(a) 8558 Supp. 1934.
(b) 8565.
(c)

Property

(1)
(a) 8887; 8884; 8572 Annot; 9089.
(b) 8884; 8875; 8576; 9089.
(c) 8906; 8911; 8912; 8577; 9088.
(d) 8995; 9032 Supp. 1934; 9000 Supp. 1936.
(e) Art. 17, sec. 9, Const. 1895.
(2) 8854.
(3)
(a) 9089; Art. 3, sec. 28, Const. 1895.
(4)
(a) 8906; 8577.
(*) 8906; 8577.
(*) 8906; 8577.
(b) 8572; 8574; 8575.
(c) Art. 17, sec. 9, Const. 1895.
(5) 8913 Supp. 1934, 1936.
(6) 8906(4).
(7)
(a) 8574; 8575.
(b) 9089; 8887; 8884.
(c)
(*) 8574.
(*) 8572; 8575.
(*) 657(5).
(*) 8573; 8572.
(*)
(*)
(*) 8572.

SOUTH DAKOTA

Adoption

(1) 204.
(2) 203.
(3) 210.

Divorce

(1)
(a) 137; 138.
(b) 137; 139.
(c) 137; 140.
(d) 137 Annot.
(e) 137.
(f) 137; 142; 143.
(g) 137; 141; 143.
(h) 137.
(2) 163; 165; 166.
(3)
(4)
(a) 166.
(5)
(a)
(b)
(6)
(a) 144; 146.
(b) 144; 147 to 149.
(c) 144; 150.
(7) 151; 152.
(8) 143A; 143B.
(9) 162; 172; 173; 165.
(a)
(10) 136 Annot; 153.
(11) 156 to 158.
(12) 165; 166.
(a) 166.
(13) 163; 165; 166.
(14)
(a) 165; 166.

Dower

(1) 702; 175.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 702; 175.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 219; 221.
(b) 217; 222; 223.
(c) 217.
(2) 225.

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South Dakota

(3) 115.
(4)
(a) 232.
(b) 232.
(5) 184; 187; 218; 223; 217.

Husband and Wife

(1)
(a) 855; 540.
(*) 855; 582.
(b) 171.
(2)
(a) 1235.
(b) 175.
(c) 175.
(d) 175.
(3)
(a) 178.
(b) 178.
(c) 178; 2309; 2315.
(4)
(a) 3249.
(b) 1235.
(c) 178.
(d) 170.
(e) 178.
(f) 169; 175; 176.
(g) 171.
(h) 178.
(i) 175 Annot; 178.
(j) 175.
(*) Art. 21, sec. 5, Const. 175.
(k) 2717; 4109.
(5) 630.
(a) 604; 605.

Marriage

(1) 4103; 4099; 4100.
(2) 1983.
(3) 107; 131; 135.
(4) 136.
(a) 156.
(b) 156; 157.
(5)
(a) 115; 76.
(b) 115; 76.
(6)
(a) 104.
(b) 104.
(7)
(a) 131; 108; 132; 3860.
(b) 131; 132; 107.
(c) 131; 132; 4099; 4100; 107.
(d) 131; 132; 137 Annot.
(e) 106; 107.
(f) 131; 137.
(g) 128.
(h) 131; 132.
(8) 3860 to 3863.
(9) 102 Annot; 120.
(10) 2729.
(11)
(a) 114.
(b)
(12)
(a) 855; 540.
(b) 855; 582.
(13)
(a) 115; 118.
(14)
(a) 131; 108; 3860.
(b) 106; 108; 3864.
(c) 107; 131; 132; ch. 152, sec. 11, Sess. 1931; ch. 153, sec. 11, Sess. 1931.
(d) 131.
(e) 112.
(f) 128.
(15)
(a) 113; 114.
(b) 126.
(c) 114; 121; 122; 124.

Property

(1)
(a) 451; 452; 581 Annot; 178; 174.
(b) 582; 581 Annot; 178; 174.
(c) 700 to 702; ch. 129, Sess. 1935.
(d) 679 to 682.
(e) 175; 168.
(2) 718; 701(8).
(3)
(a) 451; 452; ch. 129, Sess. 1935.
(4)
(a) 701.
(*) 701.
(*) 701.
(b) 170.
(c) 170.
(5) 704.
(6) 710.
(7)
(a) 178.
(b) 170.
(c)
(*) 178.
(*) Art. 21, sec. 5, Const.
(*) 1959; 1960; 178.
(*) 175.
(*) 175.
(*) 174.
(*) 175.

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TENNESSEE

Adoption

(1) 9572.2 Supp. 1937.
(2) 9568 Annot.
(3) 4731 to 4733.

Divorce

(1)
(a) 8426.
(b) 8426.
(c) 8426.
(d) 8426.
(e) 8426.
(f) 8426.
(g)
(h) 8426 Annot. Supp. 1937.
(2) 8446 to 8450.
(3)
(4)
(a) 7731.
(5) 8427.
(a) 8446; 8447; 4848.
(b) 8427 Annot.
(6)
(a) 8431; 8438.
(b) 8438.
(c) 8438.
(7) 8453.
(8)
(9) 8445; 8427 Annot.
(a) 8427 Annot.
(10) 8452; 8411.
(11) 8428.
(12) 8460; 8447.
(a) 8460; 8447.
(13) 8446; 8466.
(14)
(a) 8446; 8447 to 8450; 7731.

Dower

(1) 8351.
(2) 7187 to 7190.
(3) 8374.
(4)
(a) 8449; 8450; 8451; 8452.
(b) 8358; 8365.
(5) 8377.
(a) 8324; 7729; 10326 Annot; 10380 Annot.
(6) 8358 to 8360; 8362; 8365.
(7) 8358.
(8) 7729; 8354; 8355.
(9) 8461; 8451.
(10) 8231; 8232.
(11) 8231; 8232.
(12) 8363; 8643.
(13)
(a) 8368.
(*) 8368.
(b) 8365 Annot.
(c) 8358; 8362.
(d) 8365 Annot.

Guardian and Ward

(1)
(a) 8476.
(b) 8463; 8465; 8466.
(c) 8474.
(2) 8518; 8520.
(3) 8414.3 Supp. 1937; 8416.
(4)
(a) 8460 Annot; 8415; 8416.
(b) 8538; 8415; 8416.
(5) 8463.

Husband and Wife

(1)
(a) 7831; 7839; 7840; 7621.
(*) 7627; 7628; 7630; 7621; 7596.
(b) 8460.
(2)
(a) 7933; 8460 Annot.
(b) 8459.
(c) 8459.
(d) 8460 Annot. Supp. 1937.
(3)
(a) 8460 Annot.; 9778 Annot. Supp. 1937.
(b) 8460; 8632.
(c) 8632.
(4)
(a) 8151.
(b) 7933.
(c) 8460.
(d) 7719; 8382.
(e) 8460.
(f) 8460 Annot. Supp. 1937; 11370; 8446; 8447.
(g) 8460.
(h) 8460.
(i) 8460.
(j) 4238; 8460; 8457.
(*) 8460 Annot; 8457.
(k) 9777; 9778.
(5) 8131.
(a) 8098.

Marriage

(1) 10789.

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andron

Tennessee

(2) 8595.
(3) 8443; 8445.
(4) 8443; 8445.
  (a) 8426; 8429.
  (b) 8428.
(5)
  (a) 8414.3 Supp. 1937.
  (b) 8414.3 Supp. 1937.
(6)
  (a) 8414.1 Supp. 1937.
  (b) 8414.1 Supp. 1937.
(7)
  (a) 8426; 8411; 11180 to 11182.
  (b) 10789; 8443; 8445.
  (c) 10789; 8443; 8445.
  (d) 8426.
  (e) 8408.
  (f) 8426 Annot. Supp. 1937.
  (g) 8409; 8410; 8443; 8445.
  (h) 8414.1 Supp. 1937; 8419 Annot.
(8) 11180; 11183.
(9) 8419 Annot.
(10) 11181.
(11)
  (a) 8414.
  (b)
(12)
  (a) 7831; 7839; 7840; 7621.
  (b) 7627; 7628; 7630; 7621; 7596.
(13)
  (a) 8414.3 Supp. 1937.
(14)
  (a) 8411; 11180 to 11182.
  (b) 8408; 11177; 11178; 11179.
  (c) 8416.
  (d) 8414.1 Supp. 1937; 8419 Annot.
  (e)
  (f) 8409; 8410; Art. 11, sec. 14, Const.
(15)
  (a) 8414.2 Supp. 1937.
  (b) 8413; 8412.
  (c)

Property

(1)
  (a) 7719.
  (b) 7596.
  (c) 8351 to 8354; 8357 to 8360; 8389; 8231; 8230; 8232; 8234; 8382.
  (d) 8389.
  (e) 7719; 8460.
(2) 7751.
(3)
  (a) 7719; Art. 11, sec. 11, Const.
(4)
  (a) 8389; 8461; 8451.
    (*) 8382.
    (*) 8380.
  (b) 8460.
  (c) 7719.
(5) 8383; 8391.
(6) 8380(2)(a).
(7)
  (a) 8460.
  (b) 7719.
  (c)
    (*) 8460.
    (*) 8460.
    (*) 8460 Annot.
    (*) 8460 Annot.
    (*)
    (*) 7627; 7628.
    (*) 8460; 8457.

TEXAS

Adoption

(1) 46a, sec. 6, Supp. 1938.
(2) 46a.
(3) 46a, sec. 9.

Divorce

(1)
  (a) 4629.
  (b) 4629.
  (c) 4629.
  (d) 4628.
  (e) 4628.
  (f)
  (g)
  (h) 4629.
(2) 4637.
(3)
(4)
  (a) 4635.
(5)
  (a)
  (b)
(6)
  (a) 4630; 4633.
  (b) 4630.
  (c) 4630.
(7) 4639.
(8) 5931.
(9)
  (a)
(10) 4640.
(11) 4631.

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Texas

(12) 4635.
(a) 4638.
(13) 4638; 4639; 4639a.
(14)
(a) 4637; 4638.

Dower

(1)
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9)
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 4123.
(b) 4118.
(c) 4119.
(2) 4162; 4171.
(3) 4605.
(4)
(a) 4128; 4296; 4625.
(b) 4128; 4296; 4625; 4192.
(5) 4118.

Husband and Wife

(1)
(a) 4610.
(*) 4611; 4612; 6627; 6632; 6633.
(b) 4623; 4614.
(2)
(a)
(b) 4613.
(c) 4613.
(d) 4613; 4620; 4623.
(3)
(a) 1983.
(b) 1983.
(c) 1984.
(4)
(a) 3353; 3357.
(b)
(c) 1983 to 1985.
(d) 4613.
(e) 1983 to 1985.
(f) 4623; 4621.
(g) 4623; 4614; 4626.
(h) 4614.
(i) 4626 Supp. 1938.
(j) 4613; 4614; 4620; 4623.
(*) 4616.
(k) C.C.P. 714; 3715; 4633.
(5) 8291 to 8293.
(a) 8281; 3348.

Marriage

(1) P.C. 505 to 507; P.C. 1180.
(2) 5524.
(3) 4628.
(4) 4628.
(a) 4628; 4632.
(b) 4631.
(5)
(a) 4605.
(b) 4605.
(6)
(a) 4603.
(b) 4603.
(7)
(a) P.C. 490; P.C. 491; 4628.
(b)
(c)
(d) 4628.
(e) P.C. 495 to 498; 4628.
(f) 4629; 4628.
(g) 4607; 4628.
(h) 4605; P.C. 404; P.C. 405; 4628.
(8) P.C. 490.
(9) 4608; 4609.
(10) 3272.
(11)
(a) 4604; P.C. 406.
(b) 4604c.
(12)
(a) 4610.
(b) 4611; 4612; 6627; 6632; 6633.
(13)
(a) 4605; P.C. 404; P.C. 405.
(14)
(a) P.C. 490; P.C. 491.
(b) P.C. 495 to 498.
(c)

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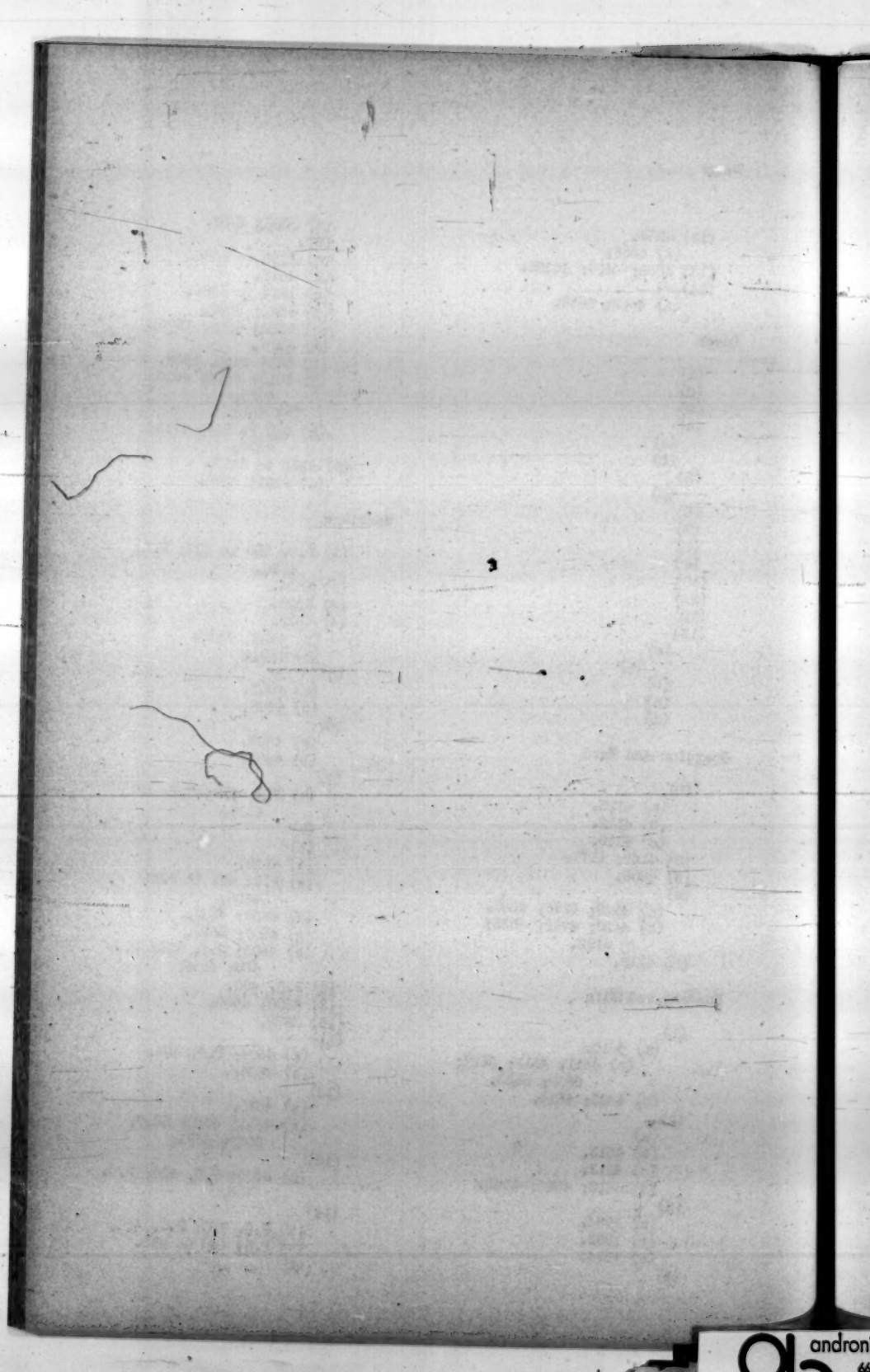

Texas

(d) 4605; P.C. 404; P.C. 405.
(e) 490 a.
(f) 4607; P.C. 492; P.C. 493.
(15)
(a) 4605; 1935.
(b) 4602.
(c)

Property

(1)
(a) 4619; 4613; 4618; 1300; 3663.
(b) 4613; 4618; 1300.
(c) 2571; 2572; 2578; 3662; 3678; 3680; 3490; 3476. to 3501.
(d) 2579; 3661.
(e) 4613.
(2) 3272.
(3)
(a) 4618; 1300.
(4)
(a) 2571; 2572; 2578; 3662; 3663; 3501.
(*) 2571; 2578; 3662.
(*) 2571; 2578.
(b) 4614.
(c) 4613.
(5) 2582.
(6) 2573.
(7)
(a) 4614.
(b) 4613.
(c)
(*) 4614; 4617; 4617 Supp. 1938; 1299.
(*) 4614.
(*) 4615.
(*) 4616.
(*)
(*) 6647 to 6651.
(*) 4616.

UTAH

Adoption

(1) 14-4-4; 14-4-5.
(2) 14-4-3.
(3) 14-4-11.

Divorce

(1)
(a) 40-3-1.
(b) 40-3-1.
(c) 40-3-1.
(d) 40-3-1.
(e) 40-3-1.
(f) 40-3-1.
(g) 40-3-1.
(h) 40-3-1.
(2) 40-3-5; 40-3-3.
(3)
(4)
(a)
(5) 40-4-1.
(a) 40-4-3.
(b)
(6)
(a)
(b)
(c)
(7) 101-4-10.
(8)
(9) 40-4-1.
(a)
(10) 40-3-8; 40-1-2; 40-3-7.
(11) 40-3-1.
(12)
(a) 40-2-6.
(13) 40-3-5; 40-3-10; 40-2-10.
(14)
(a) 40-3-5.

Dower

(1) 101-4-9; 101-4-3.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 101-4-9.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 102-13-12; 102-13-3; 102-13-4.
(b) 102-13-18.

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(c) 102-13-2.
(2) 102-13-17; 102-13-39.
(3) 40-1-9.
(4)
(a) 102-13-14; 102-13-16.
(b) 102-13-14; 102-13-16.
(5) 102-13-18.

Husband and Wife

(1)
(a) 33-5-4.
(*) 78-2-1.
(b) 40-2-2.
(2)
(a) 40-2-8.
(b) 40-2-5.
(c) 40-2-5.
(d) 40-2-5.
(3)
(a) 40-2-6.
(b) 40-2-2; 104-3-3.
(c) 104-3-4; 104-3-5.
(4)
(a) 102-4-1; 102-4-5; 102-3-17.
(b) 40-2-8.
(c) 40-2-4; 104-3-3.
(d) 38-0-13.
(e) 40-2-4; 104-3-3.
(f) 103-13-1; 40-2-9.
(g) 40-2-2.
(h) 40-2-1.
(i) 40-2-4.
(j) 40-2-5.
(*) 40-2-1; 40-2-5.
(k) 104-49-3(1); 105-45-4; 103-13-2; 103-51-14; 105-1-10.
(5) 101-2-24; 101-2-25.
(a) 101-1-3; 101-1-1.

Marriage

(1) 103-51-8.
(2) 104-2-24(3).
(3) 40-1-17.
(4) 40-3-1.
(a) 40-3-2.
(b) 40-3-1.
(5)
(a) 40-1-9.
(b) 40-1-9.
(6)
(a) 40-1-2.
(b) 40-1-2.
(7)
(a) 40-1-2(2); 40-1-17.
(b) 103-51-8; 40-1-17.
(c) 103-51-8; 40-1-17.
(d) 40-3-1.
(e) 40-1-1; 40-1-17; 103-51-4.
(f) 40-1-2(1); 40-3-1 (8).
(g) 40-1-2(5)(6); 40-1-17.
(h) 40-1-2(4); 40-1-17.
(8) 103-51-1.
(9) 40-1-2; 40-1-5; 40-1-7.
(10) 101-4-5 Annot; 103-51-1.
(11)
(a) 40-1-7.
(b) 40-1-2(1).
(12)
(a) 33-5-4.
(b) 78-2-1.
(13)
(a) 40-1-9.
(14)
(a) 40-1-2(2).
(b) 40-1-1; 103-51-4.
(c) 40-1-2(1).
(d) 40-1-2(4).
(e) 40-1-4.
(f) 40-1-2(5)(6).
(15)
(a) 40-1-8.
(b) 40-1-6.
(c) 40-1-11.

Property

(1)
(a) 38-0-13; 13-0-3; 103-18-10.
(b) 78-2-1.
(c) 101-4-3 to 101-4-7; 101-4-9; 102-8-1; 102-8-2.
(d) 101-3-2; 101-3-3.
(e)
(2) 101-4-5(9).
(3)
(a) 38-0-13.
(4)
(a) 101-4-5 to 101-4-7; 101-4-9; 102-8-1; 102-8-2.
(*) 101-4-5(3)(5).
(*) 101-4-5(1)(2); 102-8-2.
(b) 40-2-1.
(c) 40-2-3; 40-2-6.
(5) 101-4-11.
(6) 101-4-17.
(7)
(a) 40-2-1.
(b) 40-2-6.
(c)
(*) 40-2-1; Art. 22, sec. 2, Const.

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Utah

(*) 40-2-1; 40-2-4.
(*) 40-2-4.
(*) 40-2-4.
(*)
(*)
(*) 40-2-1; 40-2-5.

VERMONT

Adoption

(1) 3323.
(2) 3321.
(3) 3336.

Divorce

(1)
(a) 3116.
(b) 3116.
(c) 3116.
(d)
(e) 3116.
(f)
(g) 3116.
(h) 3116; 3117 to 3123.
(2) 3155; 3120; 3159; 3162.
(3)
(4)
(a) 3155.
(5) 3130.
(a) 3132.
(b)
(6)
(a)
(b)
(c)
(7) 3109.
(8) 3170.
(9) 3131; 3164.
(a)
(10) 3168; 3066.
(11) 3117; 3124; 3126.
(12) 3155.
(a) 3153; 3158.
(13) 3163; 3155; 3120; 3132.
(14)
(a) 3155; 3143; 3162.

Dower

(1) 2951 to 2963.
(2)
(3)
(4)
(a)
(b)
(5)
(a)
(6)
(7)
(8)
(9) 2964; 2965.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

Guardian and Ward

(1)
(a) 3199; 3204; 3200.
(b) 3201; 3202.
(c) 3215.
(2) 3245; 3246.
(3) 4088.
(4)
(a) 3288.
(b) 3288.
(5) 3201.

Husband and Wife

(1)
(a) 1675; 2598; 2597.
(*) 1675; 2587; 2592; 2596.
(b) 3074; 3076; 3077.
(2)
(a)
(b) 3080.
(c) 3080.
(d) 3080; 3078.
(3)
(a) 3074.
(b) 3074.
(c)
(4)
(a) 2789; 3075; 2775.
(b)
(c) 3074.
(d) 3081 to 3084; 2568.
(e) 3074.
(f) 3078; 3079; 3935; 3936.
(g) 3074.
(h) 3077.
(i) 3074.
(j) 3080; 3078.
(*) 3077 to 3079.
(k) 1697; 6725.
(5) 2756; 2976 to 2978.
(a) 2744.

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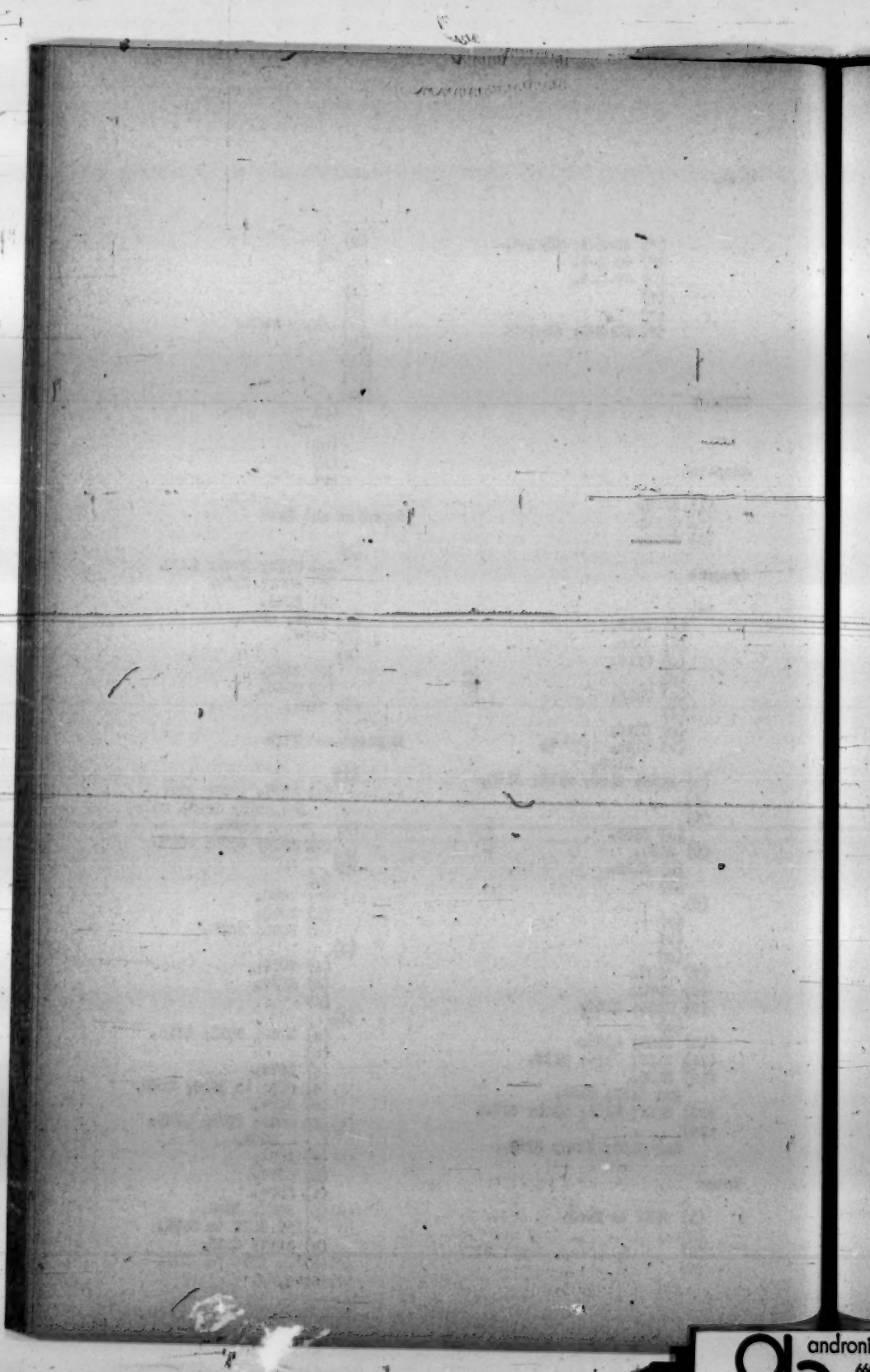

Vermont

Marriage

(1) 3111.
(2) 1675.
(3) 3102; Pg. 75, No. 58, Sess. 1935.
(4) 3116.
  (a) 3116.
  (b) 3126.
(5)
  (a) 4088; 21.
  (b) 4088; 21.
(6)
  (a) 4088; 3104.
  (b) 4088; 3104.
(7)
  (a) 3065; 3101.
  (b) 3111; 3103.
  (c) 3111; 3103.
  (d) 3103.
  (e) 3062 to 3064; 3101.
  (f) 3116; 3103.
  (g)
  (h) 4088; 3108; 3104.
(8) 8604.
(9) 4091.
(10) 8604; 3116; 2469.
(11)
  (a) 4084; 4091; 3069.
  (b) 8638.
(12)
  (a) 1675; 2598.
  (b) 1675; 2592; 2596; 2597.
(13)
  (a) 4088.
(14)
  (a) 8607; 3101; 3065.
  (b) 3062 to 3064; 3101.
  (c) 3103.
  (d) 4088.
  (e) 3066; 3067.
  (f)
(15)
  (a) 4084; 4087; 3069.
  (b) 3068.
  (c)

Property

(1)
  (a) 3076; 2581; 2588 to 2590.
  (b) 2592; 2596; 2568 to 2570.
  (c) 2974; 2951 to 2963; 2966; 2824; 2826; 2831; 2563; 2570.
  (d) 2974; Pg. 425, No. 7, Sp. Sess. 1935; 2917 to 2919.
  (e) 3076; 3078.
(2) 2970-2972.
(3)
  (a) 2568.
(4)
  (a) 2964 to 2966; 2823; 2824; 2825; 2563.
    (*) 2964; 2966; 2824; 2825.
    (*) 2964; 2966.
  (b) 3076.
  (c) 3076; 3078.
(5) 2968.
(6) 2967.
(7)
  (a) 3076; 2588 to 2590.
  (b) 3076; 3078.
  (c)
    (*) 3076; 2588 to 2590.
    (*) 3077; 3079.
    (*) 3074.
    (*) 3074; 3077.
    (*)
    (*)
    (*) 3077; 3079.

VIRGINIA

Adoption

(1) 5333.
(2) 5333.
(3) 5333.

Divorce

(1)
  (a) 5103.
  (b) 5103 Annot; 5115.
  (c) 5103.
  (d) 5103.
  (e) 5103.
  (f)
  (g)
  (h) 5103 Annot.
(2) 5111 Supp. 1938; 5107.
(3)
(4)
  (a) 5111 Supp. 1938.
(5) 5104.
  (a) 5115.
  (b) 5112a; 5115.
(6)
  (a) 5110; 5103; 4544.
  (b) 5110; 5103.
  (c)
(7) 5270.

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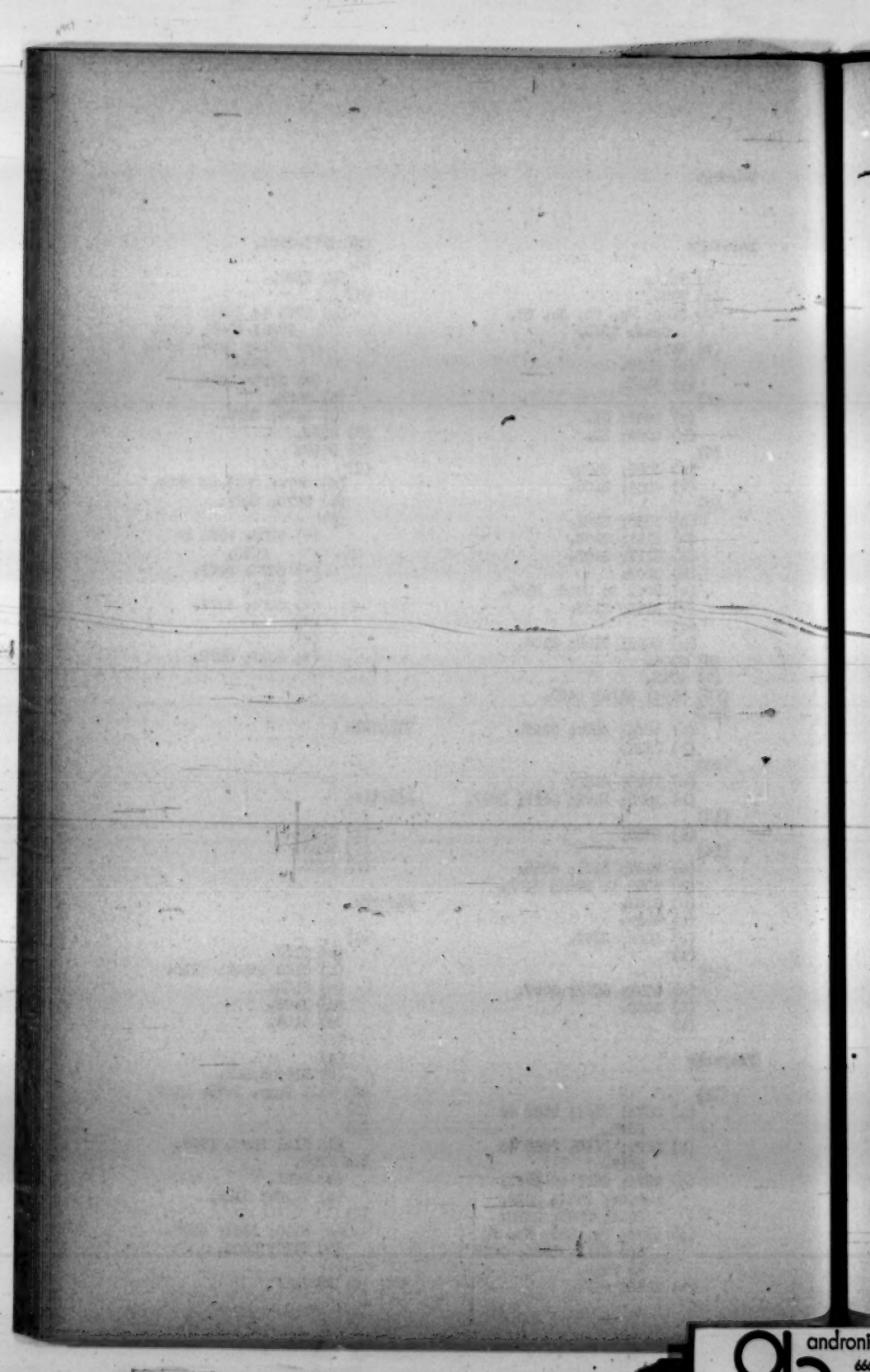

Virginia

(8)
(9) 5111 Supp. 1938.
(a)
(10) 5113; 5114.
(11) 5105.
(12) 5111 Supp. 1938.
(a) 5111 Supp. 1938.
(13) 5111 Supp. 1938; 5107.
(14)
(a) 5111 Supp. 1938.

Dower

(1) 5117.
(2) 66.
(3) 5125; 5480.
(4)
(a) 5120 Annot. Supp. 1938; 5111 Supp. 1938; 5123.
(b) 5120 Supp. 1938; 5211.
(5) 5125.
(a) 5125.
(6) 5121; 5276; 5120 Supp. 1938.
(7) 5121; 5120 Supp. 1938.
(8) 5124; 6536; 6538; 6541.
(9) 5139a to 5140.
(10) 5124.
(11) 5124.
(12) 5133b, 5346.
(13)
(a) 5121.
(*) 5121.
(b) 5124; 5480; 5122.
(c) 5121.
(d) 5127; 5126; 5124.

Guardian and Ward

(1)
(a) 5316 Supp. 1938; 5317.
(b) 5320.
(c) 5314.
(2) 5320.
(3) 5078 Supp. 1938.
(4)
(a) 5320; 5136.
(b) 5136.
(5) 5320.

Husband and Wife

(1)
(a) 5561; 5192; 5193; 5185 Annot.
(*) 5192 to 5194.
(b) 5134.
(2)
(a)
(b) 5134.
(c) 5134.
(d) 5134.
(3)
(a) 5134; 5441.
(b) 5134.
(c) 5134 Annot.
(4)
(a) 5360; 5373.
(b)
(c) 5134.
(d) 5135; 5211.
(e) 5134.
(f) 5134; 1936.
(g) 5134.
(h) 5134.
(i) 5134.
(j) 5134.
(*) 5134.
(k) 6210 to 6212; 1941; 4579.
(5) 5232.
(a) 5227; 5228.

Marriage

(1) 4410; 4411; 4579.
(2) 5818.
(3) 5088; 5100; 5087; 5101; 5105.
(4) 5100; 5103.
(a) 5100.
(b) 5105.
(5)
(a) 5078 Supp. 1938.
(b) 5078 Supp. 1938.
(6)
(a) 5090.
(b) 5090.
(7)
(a) 5087; 5100.
(b) 4579.
(c) 4579.
(d) 5088; 5103; 5100.
(e) 5088; 5100.
(f) 5088; 5088a; 5103; 5100.
(g) 5087; 5100.
(h) 5090; 5100; 5101.
(8) 4538.
(9) 5071; 5082 Annot.
(10) 5362; 4539.
(11)
(a) 5071; 4542; 5074 Supp. 1938.
(b) 5088a.
(12)
(a) 5561; 5192; 5193; 5185 Annot.
(b) 5192; 5193; 5194.
(13)
(a) 5078 Supp. 1938; 5090.
(14)
(a) 5087.

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Virginia

(b) 5084; 5085; 5088; 4540.
(c) 5088; 5088 a.
(d) 5090.
(e) 5089; 4540.
(f) 5087; 4546.
(15)
(a) 5074 Supp. 1938.
(b) 5080 Supp. 1938; 5081.
(c)

Property

(1)
(a) 5211; 5135; 5120 Supp. 1938.
(b) 5135; 5211.
(c) 5117; 5121 to 5124; 5120 Supp. 1938; 5138; 6538; 5273; 5276; 5264.
(d) 5138; 5390 Supp. 1938; 5273.
(e) 5134; 5211; 5135.
(2) 5275; 518 to 520.
(3)
(a) 6534; 6535 Annot.
(4)
(a) 5138; 5139a; 5264; 5273.
(*) 5138; 5139a; 5264; 5273.
(*) 5138; 5139a; 5264; 5273.
(b) 5134.
(c) 5134; 5135; 5211.
(5) 5268.
(6) 5265.
(7)
(a) 5134.
(b) 5135; 5211.
(c)
(*) 5134.
(*) 5134.
(*) 5134.
(*) 5134.
(*)
(*)
(*) 5134.

WASHINGTON

Adoption

(1) 1696.
(2) 1696.
(3) 1699.

Divorce

(1)
(a) 982.
(b) 982.
(c) 982.
(d) 982.
(e) 982.
(f) 982.
(g) 982.
(h) 982.
(2) 988 Supp. 1938; 988-2 Supp. 1938; 989.
(3)
(4)
(a) 989; 6892 to 6894; 6903.
(5)
(a)
(b)
(6)
(a) 986 Annot; 989 Annot.
(b) 982; 986 Annot.
(c) 982 Annot.
(7)
(8) 994.
(9) 6908; 6909.
(a) 982.
(10) 988-1; 990 Annot.
(11) 984.
(12) 6891; 6903.
(a) 6891; 6903.
(13) 588 Supp. 1938; 989; 995-2.
(14)
(a) 989.

Dower

(1) 6897; 1343.
(2)
(3) —
(4)
(a)
(b)
(5)
(a) —
(6)
(7)
(8)
(9) 6897; 1343.
(10)
(11)
(12)
(13)
(a)
(*)
(b)
(c)
(d)

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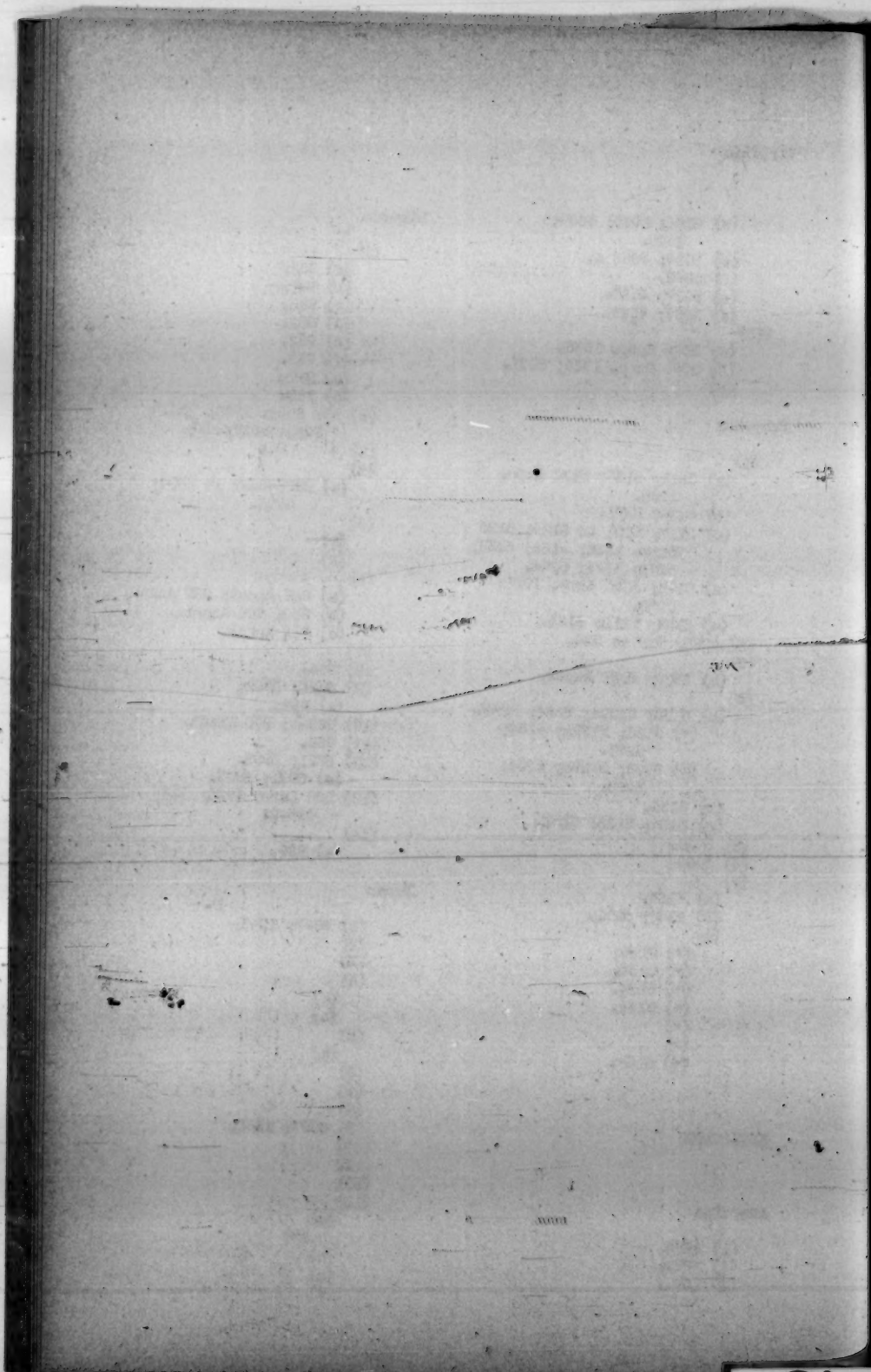

Washington

Guardian and Ward

(1)
(a) 1565; 1700-1 Supp. 1938.
(b) 1580; 6907.
(c) 1580.
(2) 1573; 1575.
(3) 8451.
(4)
(a) 1572; 10549.
(b) 1572; 10549.
(5) 6907.

Husband and Wife

(1)
(a) 5825; 6894.
(*) 10601.
(b) 6902.
(2)
(a) 10573 to 10576.
(b) 6905.
(c) 6905.
(d) 6905.
(3)
(a) 181; 6900.
(b) 181; 6900; 6901.
(c) 182.
(4)
(a) 1419; 1431.
(b) 10573 to 10576.
(c) 181; 6900; 6901.
(d) 6890; 6892.
(e) 181; 6900; 6901.
(f) 6906; 6907; 6893.
(g) 6902.
(h) 6891.
(i) 6895.
(j) 6905.
(*) 6891; 1214.
(k) 2441.
(5) 1399.
(a) 1394.

Marriage

(1) 2439.
(2) 159 Supp. 1938.
(3) 983; 8449.
(4) 982.
(a) 982.
(b) 984.
(5)
(a) 8437.
(b) 8437.
(6)
(a) 8451.
(b) 8451.
(7)
(a) 8438; 2453.
(b) 8449; 982.
(c) 8449; 982.
(d) 982.
(e) 8438; 2455.
(f) 982; 8439; 8440.
(g)
(h) 8449.
(8) 2453; 2454.
(9) 8449 Annot. Supp. 1938.
(10) 2453(1).
(11)
(a) 8450.
(b) 8451.
(12)
(a) 5825; 6894.
(b) 10601.
(13)
(a) 8451.
(14)
(a) 8438; 2453.
(b) 8438; 2455.
(c) 8439; 8440.
(d) 8449.
(e)
(f)
(15)
(a) 8451.
(b) 8443; 8448.
(c) 8443; 8444.

Property

(1)
(a) 6893; 6894; 10572; 10557.
(b) 6893; 6894; 10577; 10578.
(c) 6897; 1473 to 1476; 1341 to 1343; 1364; 1366; 1370.
(d) 1341; 1342.
(e) 6892.
(2) 1356; 1357; 1715-10.
(3)
(a) 534.
(4)
(a) 6897; 1341 to 1343; 1364; 1366; 1370; 1473.
(*) 1341; 1342; 1343.
(*) 1341; 1342; 1343.
(b) 6891.
(c) 6890.
(5) 1346.
(6) 1347.
(7)
(a) 6891.
(b) 6890.
(c)
(*) 6891; 6900.
(*) 6891.
(*) 6902; 6901.
(*) 6896.
(*) 6896.

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Washington

(*) 10578.
(*) 6891.

WEST VIRGINIA

Adoption

(1) 4755; 4756.
(2) 4755.
(3) 4759.

Divorce

(1)
(a) 4704.
(b) 4704.
(c) 4704.
(d) 4701; 4703.
(e) 4704.
(f) 4704.
(g)
(h) 4701.
(2) 4715; 4715(1); 4713; 4727.
(3) 4720.
(4)
(a) 4713; 4719.
(5) 4720.
(a) 4729.
(b) 4720.
(6)
(a) 4714.
(b) 4714.
(c) 4714.
(7) 4086.
(8) 4721.
(9) 4715; 4715(1); 4729.
(a) 4715 Annot.
(10) 4722.
(11) 4708.
(12) 4719; 4713.
(a) 4719.
(13) 4713; 4715.
(14)
(a) 4715; 4715(1); 4713; 4727.

Dower

(1) 4096.
(2) 3541.
(3) 4106; 4107; 5437; 3590.
(4)
(a) 4718; 4717.
(b) 4102; 4115; 4734; 4735.
(5) 5437; 3590.
(a) 4105 Annot; 4099; 3590.
(6) 4103; 4091.
(7) 4103.
(8) 4106.
(9) 4113.
(10) 4105; 4106.
(11) 4105; 4106.
(12) 3589; 3590; 3591.
(13)
(a) 4107; 4092; 4103.
(*) 4107.
(b) 4108; 4109.
(c) 4103.
(d) 4108; 4104; 4105; 4109.

Guardian and Ward

(1)
(a) 4251.
(b) 4255; 4249.
(c) 4249.
(2) 4255.
(3) 4686.
(4)
(a) 4255.
(b) 4255.
(5) 4255.

Husband and Wife

(1)
(a) 3992; 5392.
(*) 3992; 5392; 3957; 4745.
(b) 4733; 4738.
(2)
(a)
(b) 4744.
(c) 4744.
(d) 4738.
(3)
(a) 4749 Annot.
(b) 4749.
(c) 4749.
(4)
(a) 4123; 4129.
(b) 4750; 4736.
(c) 4749.
(d) 4737; 4734; 4735.
(e) 4749.
(f) 4752; 4754.
(g) 4733; 4738.
(h) 4731; 4746.
(i) 4747; 4748.
(j) 4738; 4744.
(*) 4731; 4732; 4746.
(k) 5727 to 5729; 4992; 6062.
(5) 4044.
(a) 4039.

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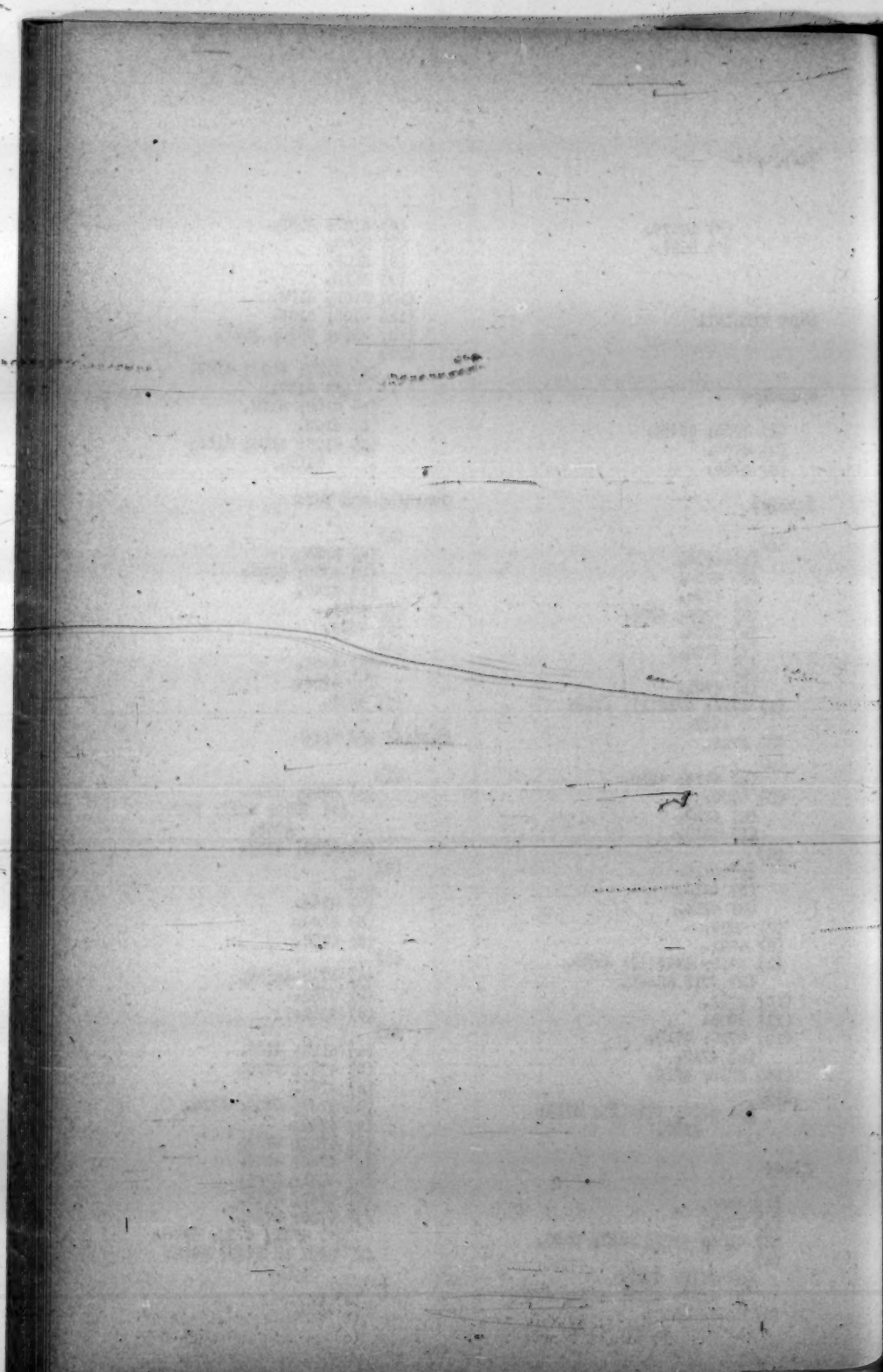

West Virginia

Marriage

(1) 5929.
(2) 4921.
(3) 4701; 4702; 4706; 4707; 4709.
(4) 4704; 4709.
  (a) 4704.
  (b) 4708.
(5)
  (a) 4686.
  (b) 4686.
(6)
  (a) 4679.
  (b) 4679.
(7)
  (a) 4701.
  (b) 4703.
  (c) 4703.
  (d) 4701; 4703.
  (e) 4680 to 4682; 4701.
  (f) 4701.
  (g) 4697; 4701.
  (h) 4686; 4703.
(8) 6056.
(9) 4683.
(10) 6057.
(11)
  (a) 4683.
  (b) 4701.
(12)
  (a) 3992; 5392.
  (b) 3992; 5392; 3957; 4745.
(13)
  (a) 4686.
(14)
  (a) 4701.
  (b) 4680 to 4682; 4696; 4701.
  (c) 4701.
  (d) 4686; 4701.
  (e) 4695; 4696.
  (f) 4697.
(15)
  (a) 4684.
  (b) 4687; 4690.
  (c) 4686.

Property

(1)
  (a) 4734; 4735; 3951.
  (b) 4734; 4735; 3951; 3697.
  (c) 4080; 4082; 4089; 4091; 4096; 4106.
  (d) 4089.
  (e) 4754; 4734; 4735.
(2) 3699; 4090.
(3)
  (a) 3913 Annot; Art. 6, sec. 48, Annot. Const.
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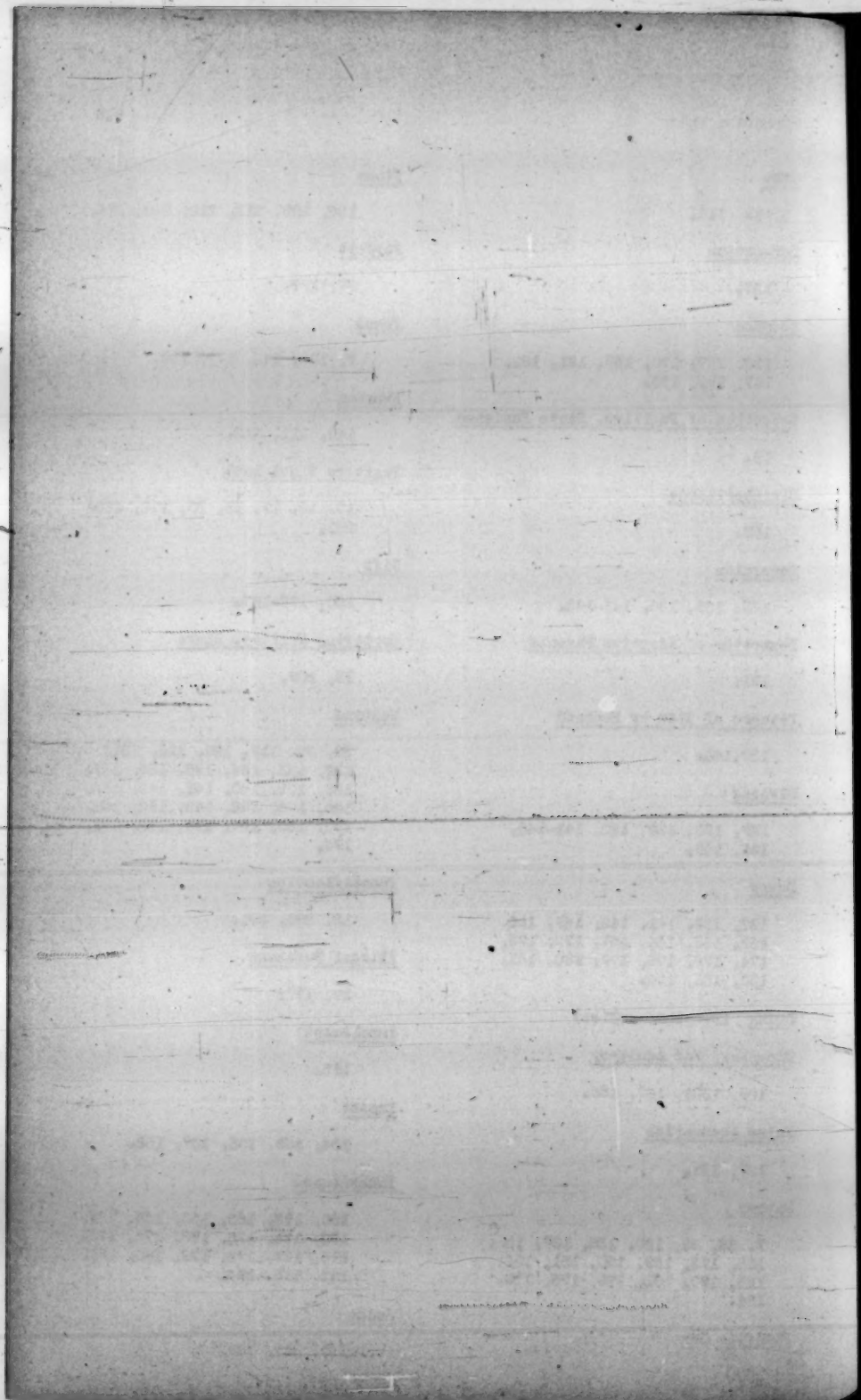

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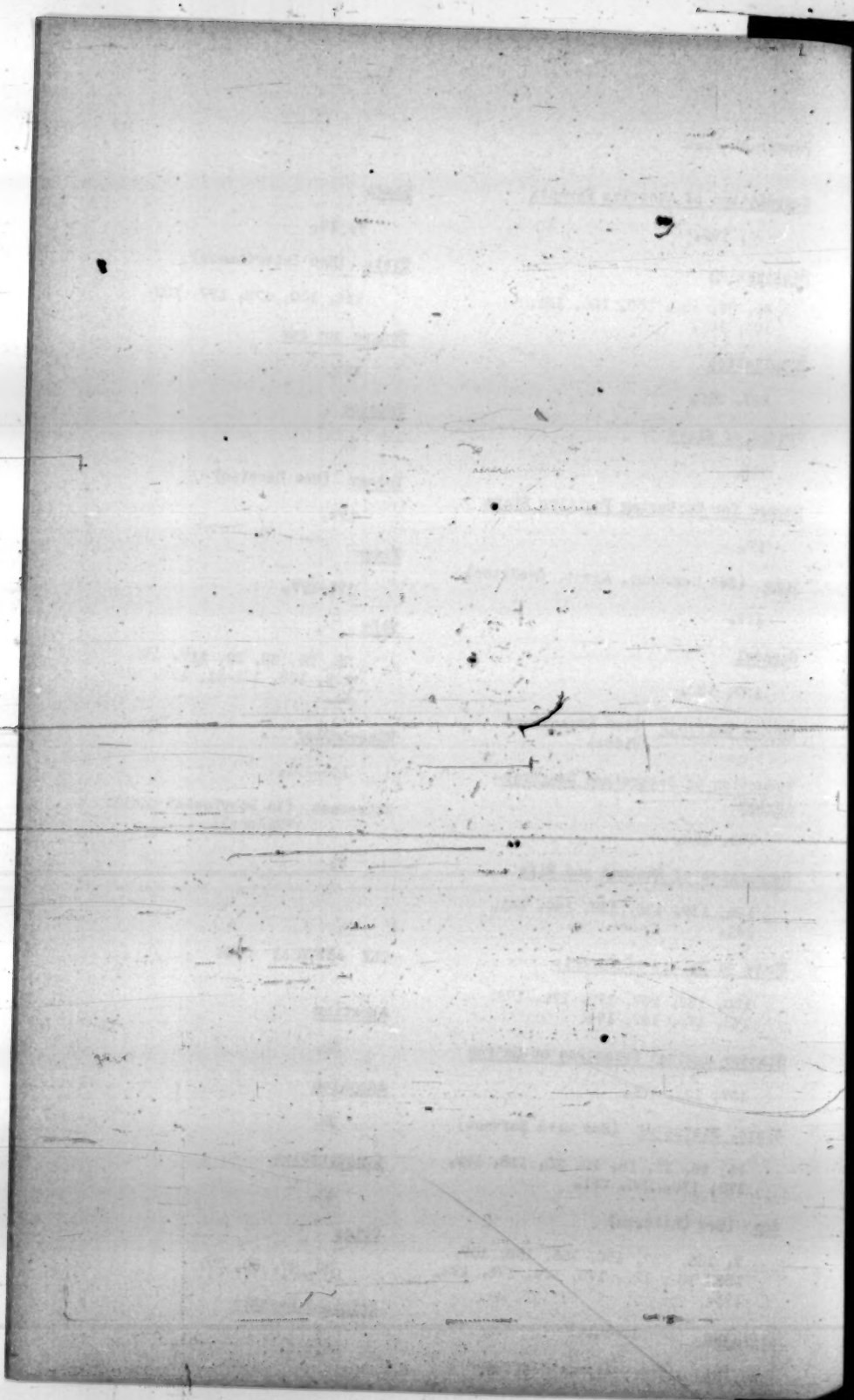

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JEWISH CODE OF JURISPRUDENCE

NOTE: All Roman numerals have been translated into Arabic numerals.

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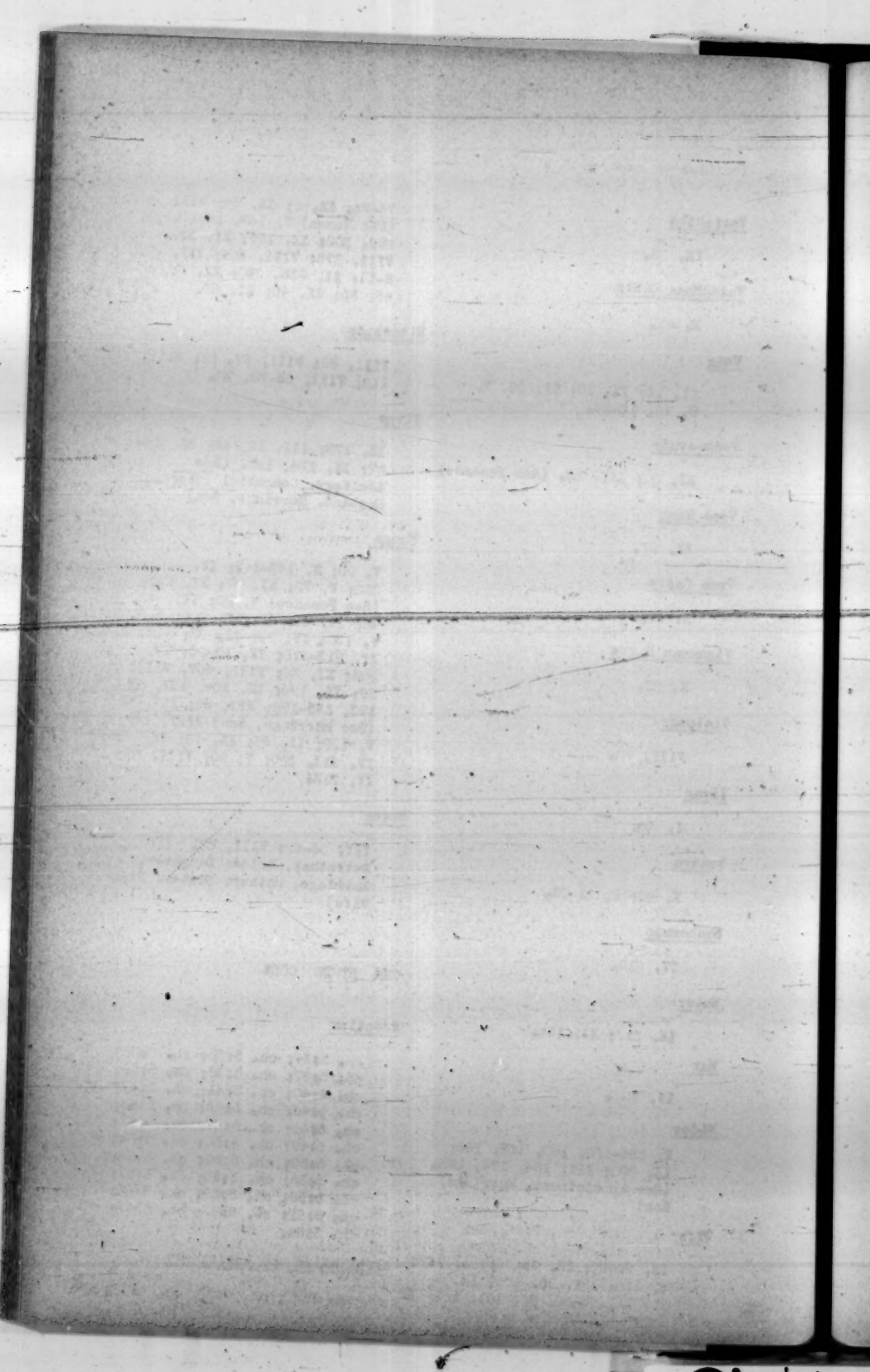

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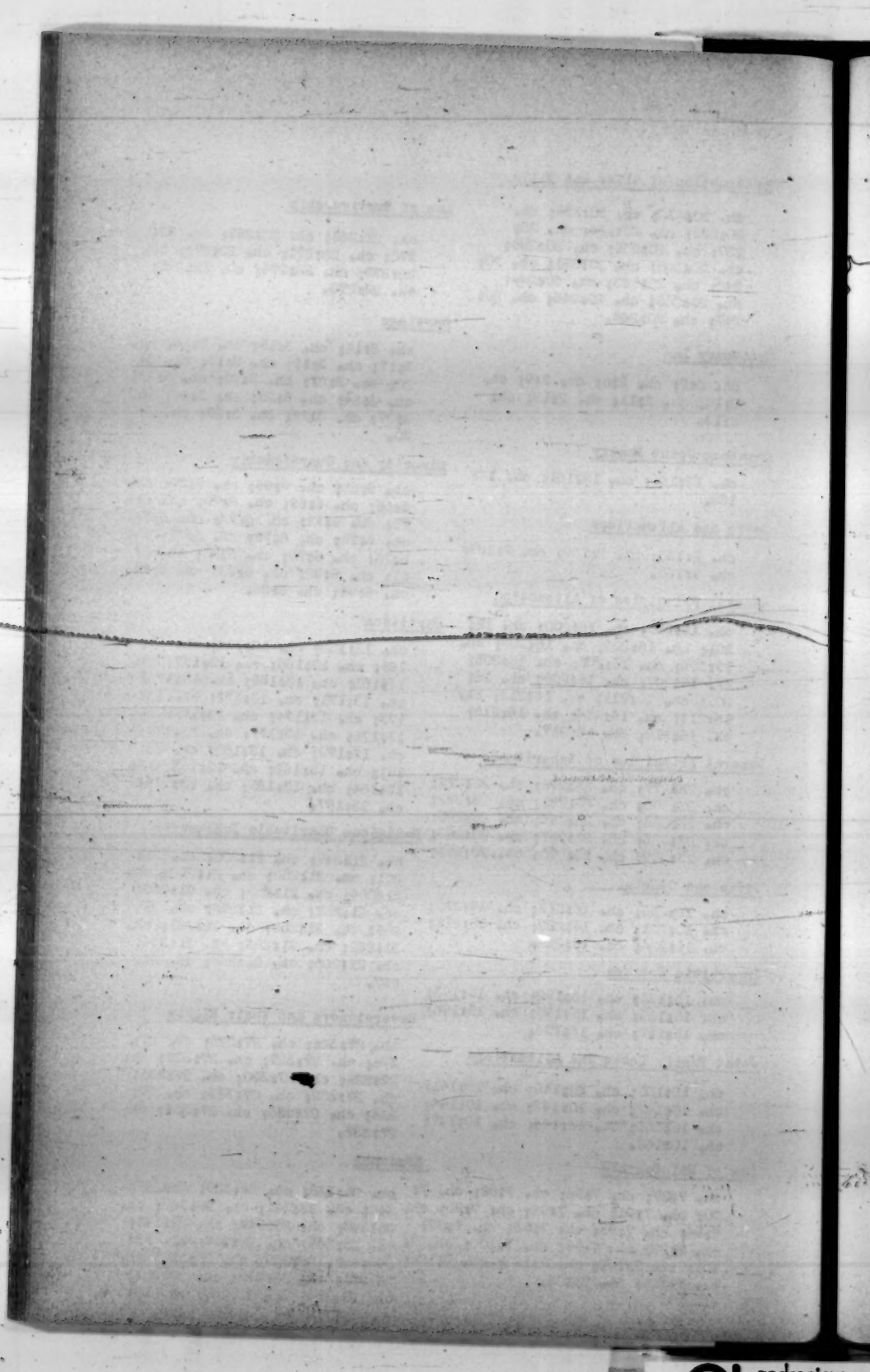

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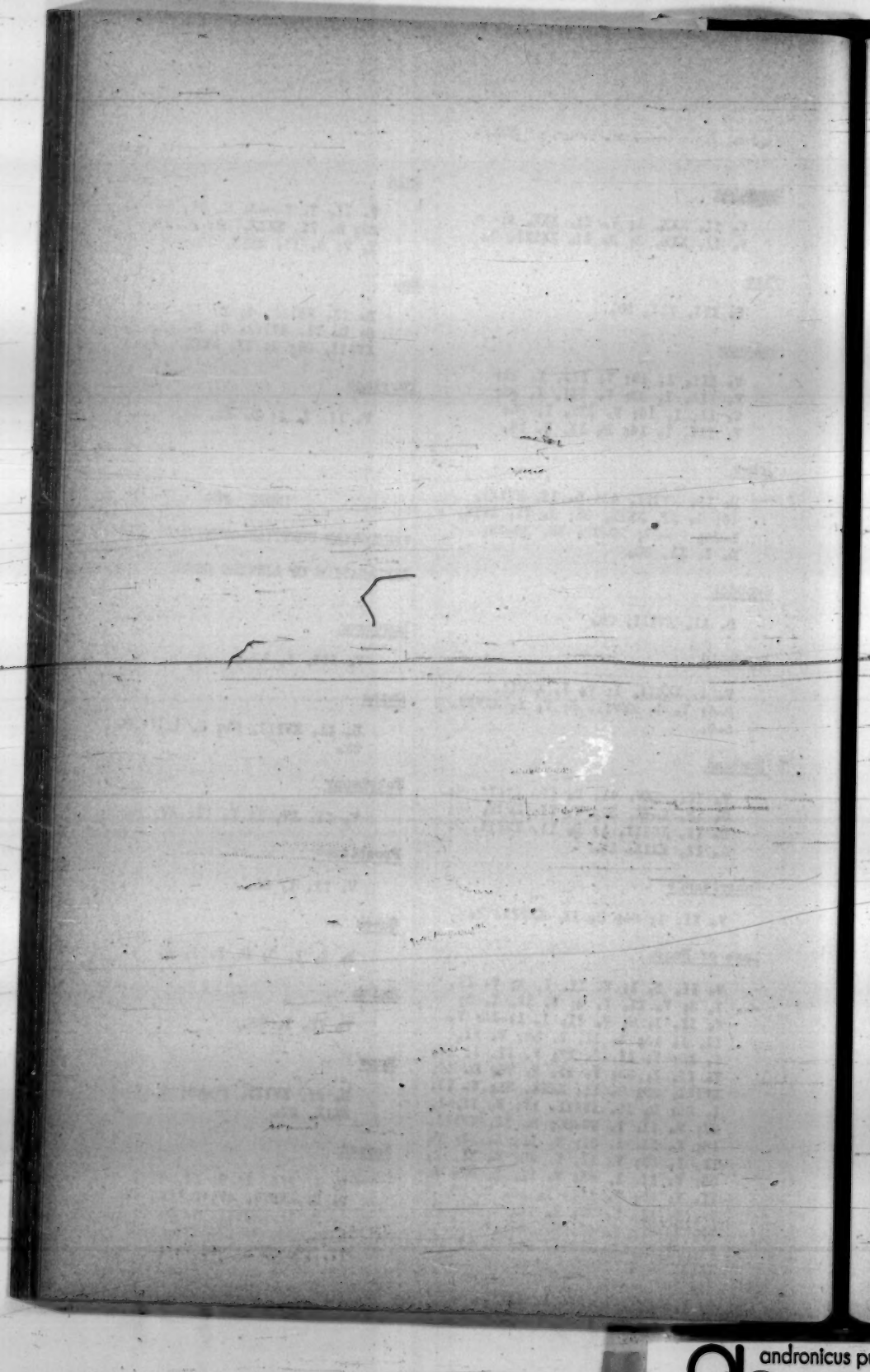

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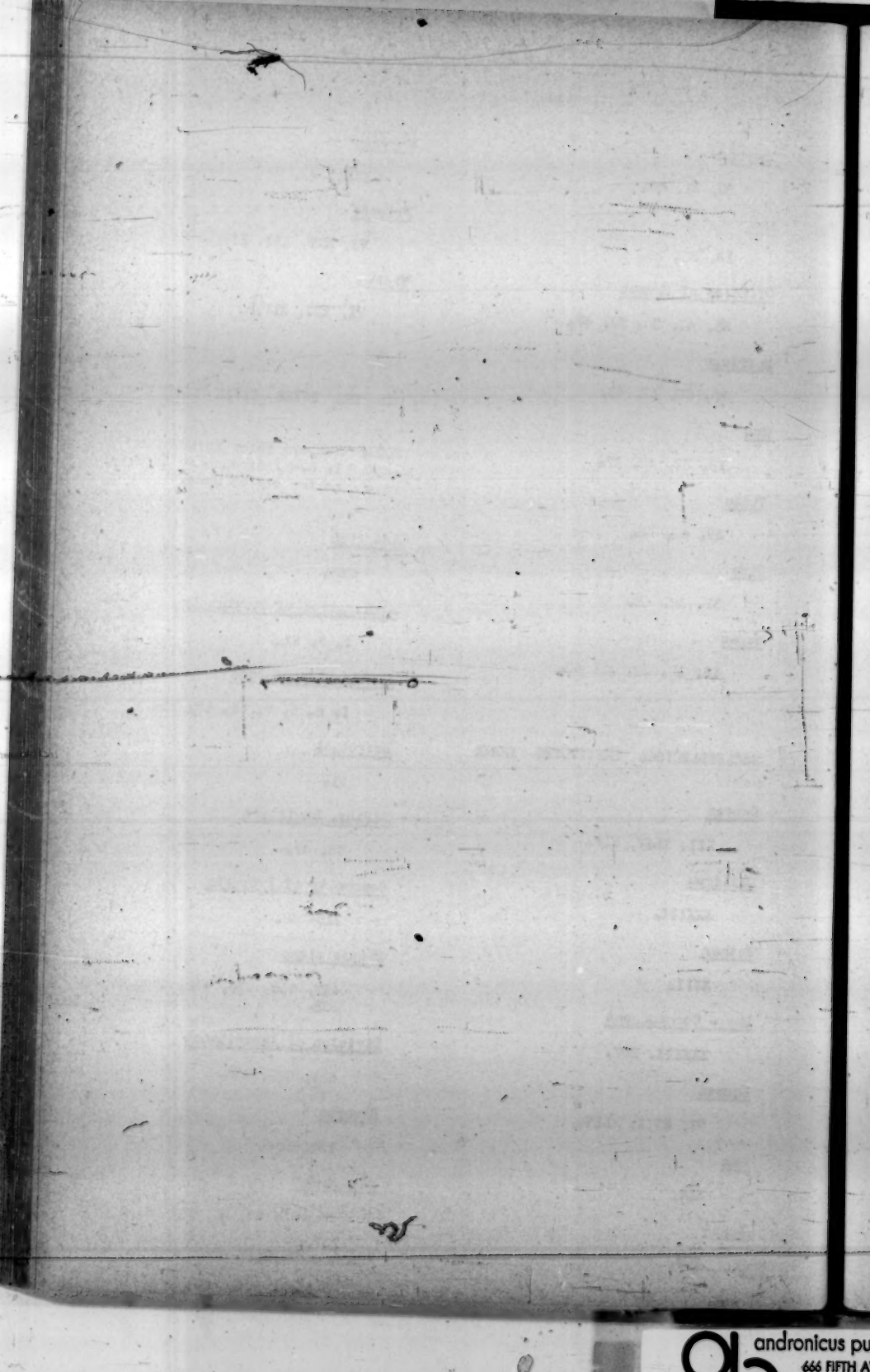

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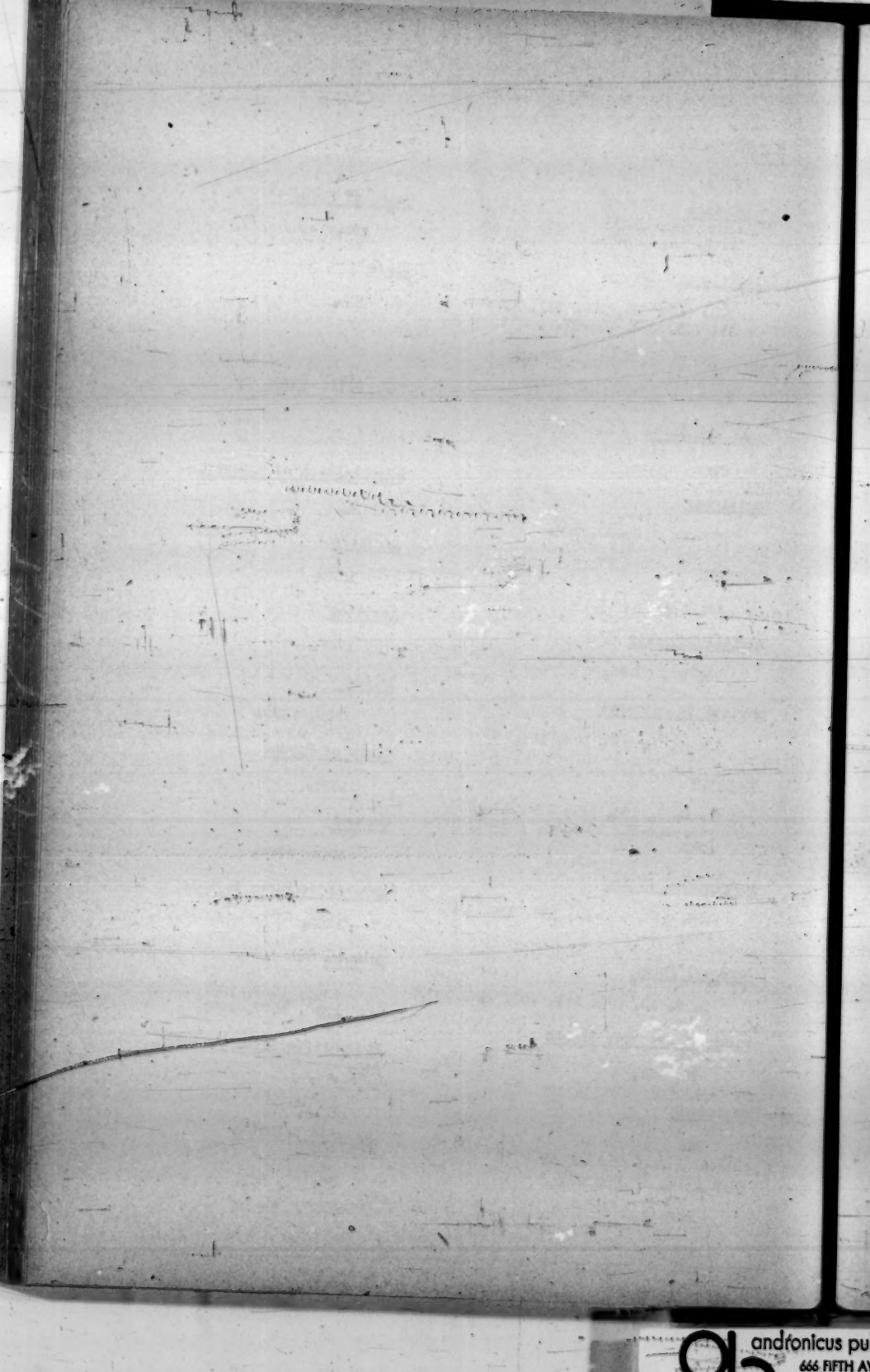

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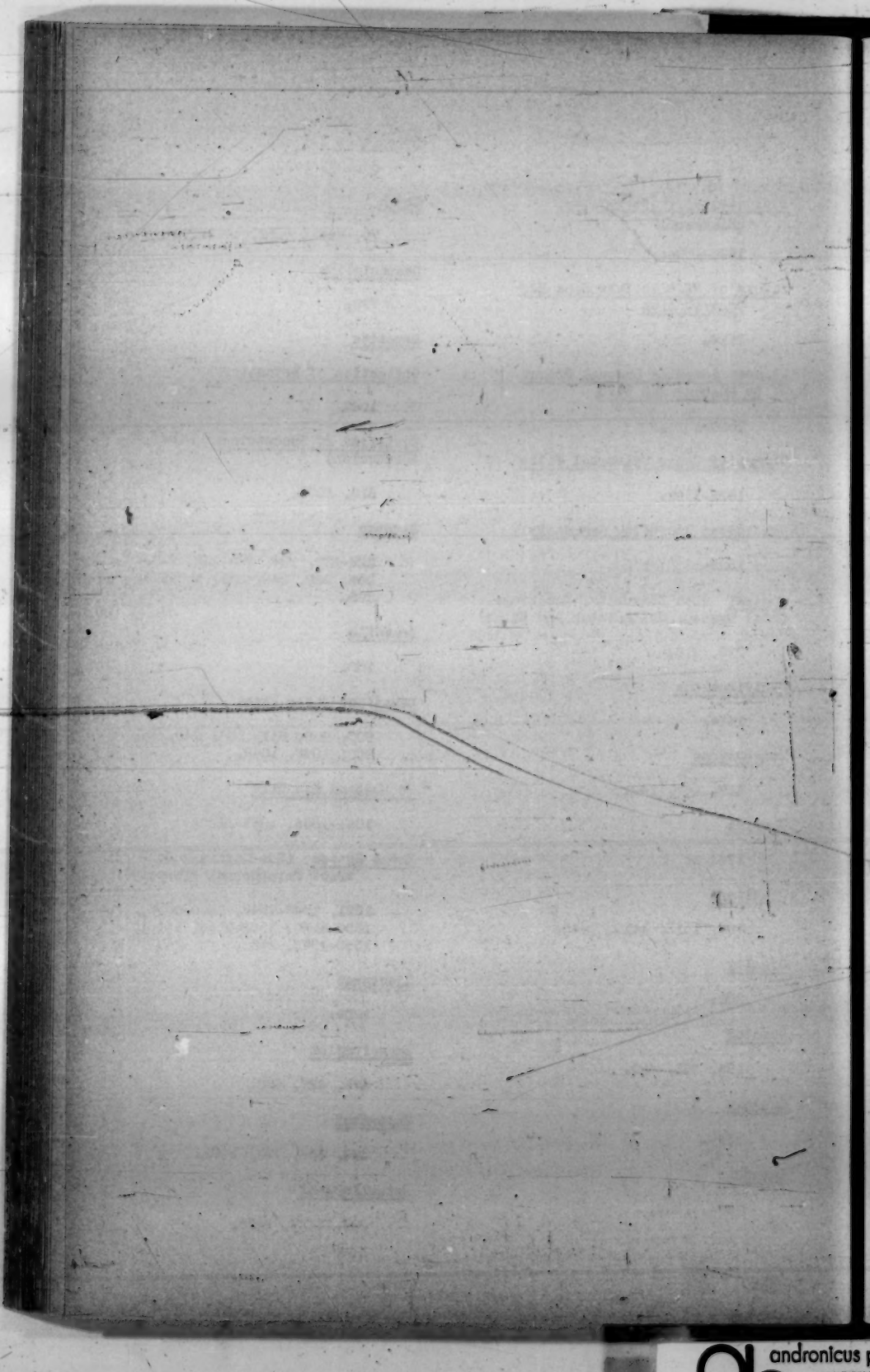

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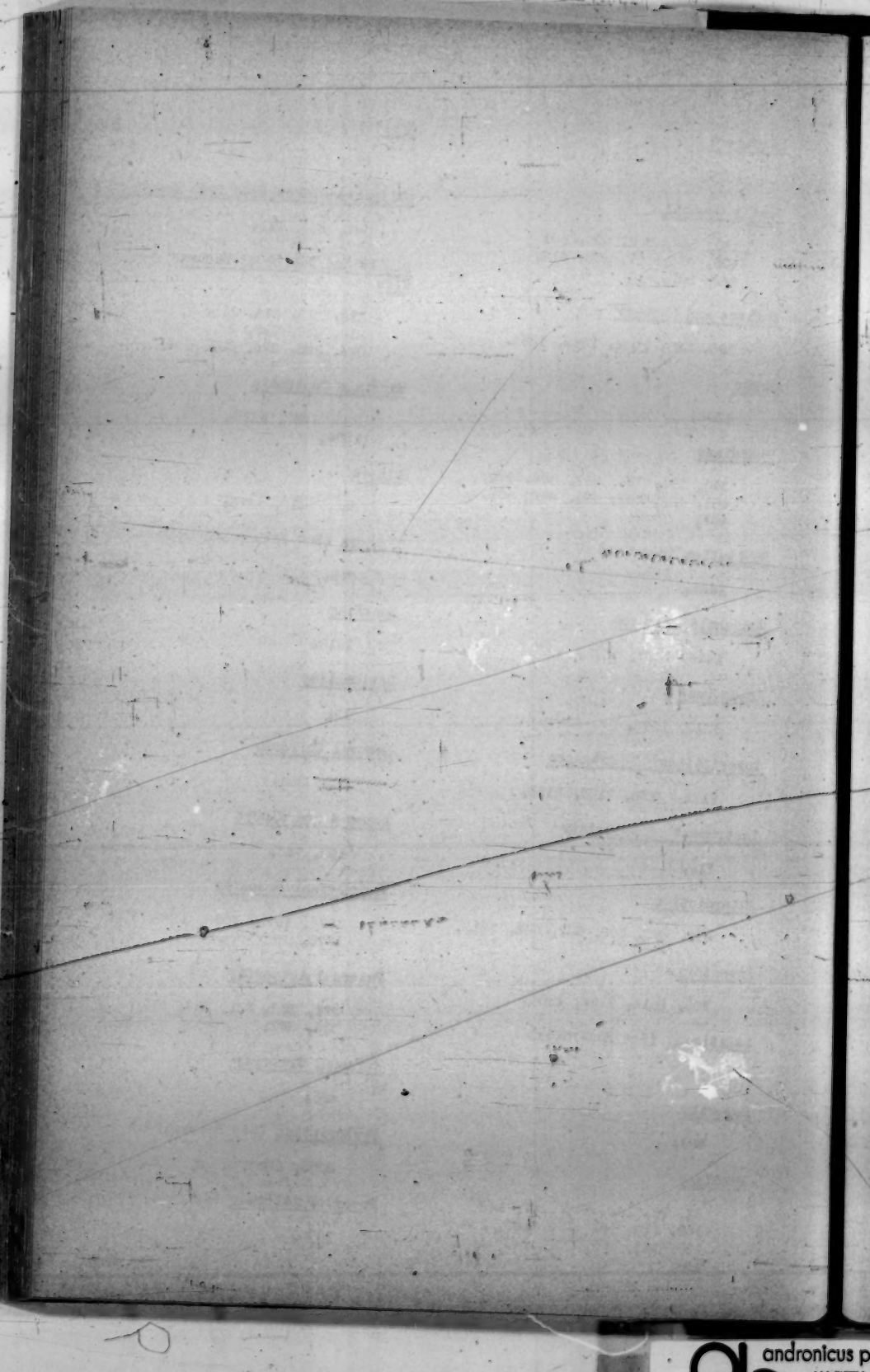

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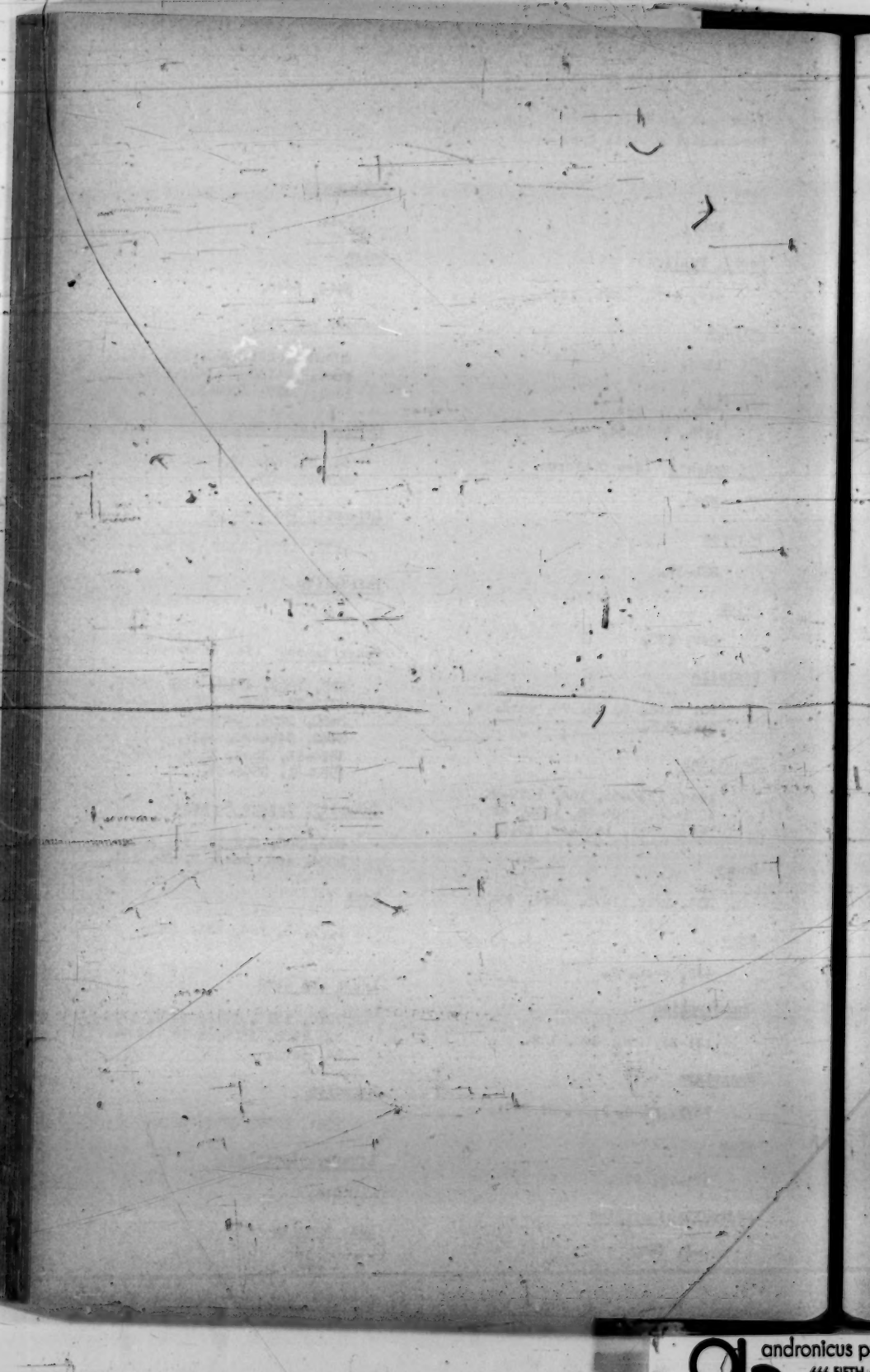

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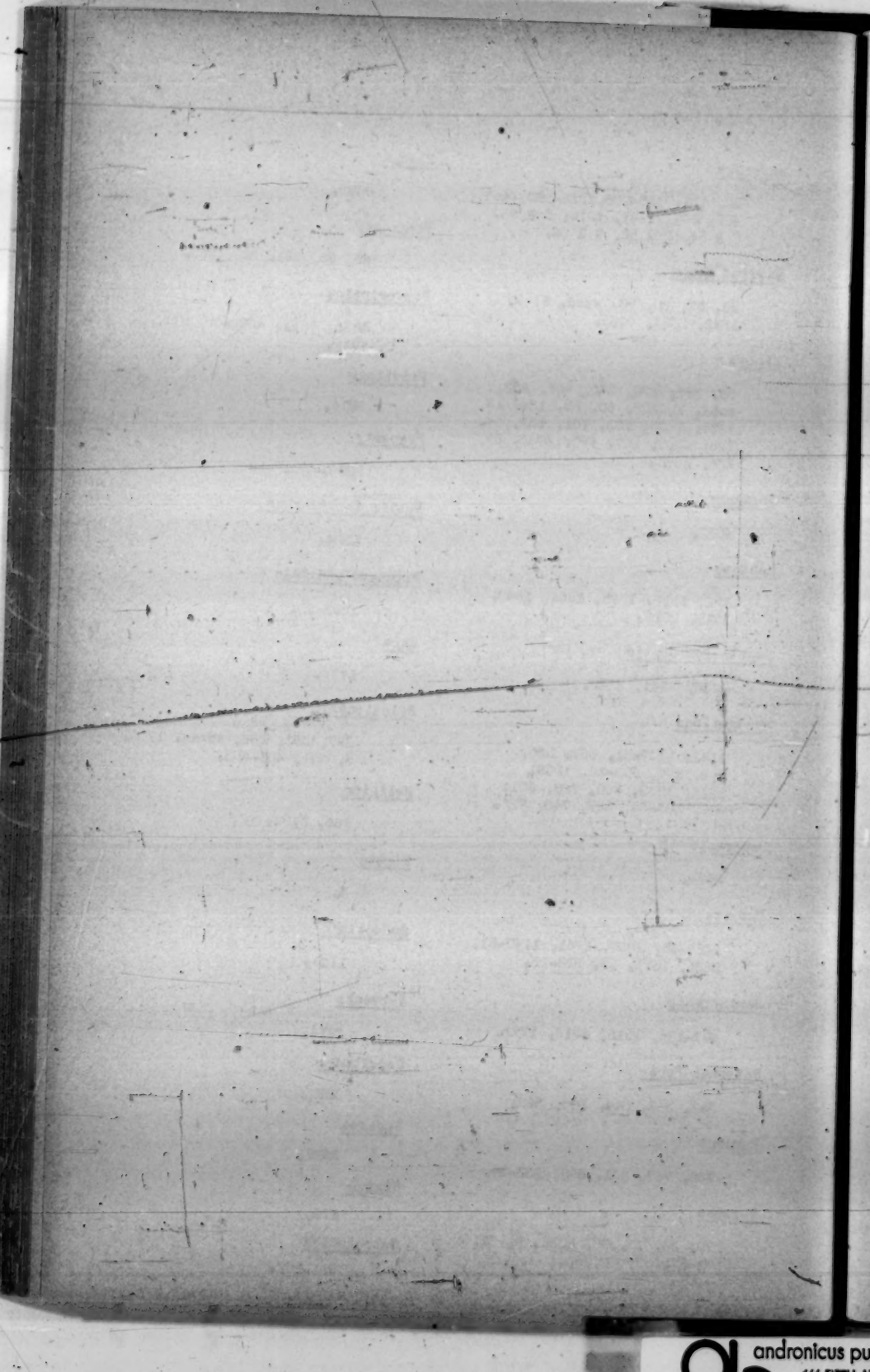

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